Crime & Justice in Colorado / 2009-2019

Office of Research and Statistics
Division of Criminal Justice
Colorado Department of Public Safety

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Points of view or opinions in this document are those of the authors and do not represent the official position or policies of the State of Colorado.

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1

Introduction

The Office of Research and Statistics, in the Division of Criminal Justice/ Department of Public Safety, presents to the State this comprehensive picture of the criminal and juvenile justice systems. Relying heavily on graphics and a non-technical format it brings together a wide variety of data from multiple sources, including the Division of Criminal Justice's (DCJ) own databases, the Colorado Bureau of Investigation (CBI), the Colorado Judicial Branch, the Department of Corrections (DOC), and the Division of Youth Services (DYS).

The most recent data available are presented here. Depending on the data source, the latest dates vary between 2015 and 2019.

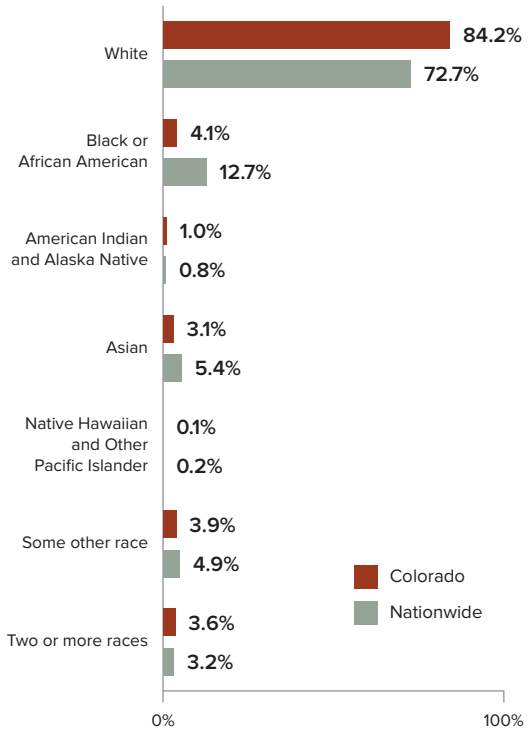
Because this report analyzes many rich data sources and is presented with the use of graphics and short descriptions, it should be of interest to the general public, elected government officials and criminal justice practitioners. The report attempts to assist the State as it seeks to appreciate the complexity of the crime problem and the criminal justice system response.

Colorado vs. nationwide demographics

It is useful to compare the information that follows throughout this document with a few basic state and national reference points.

Race

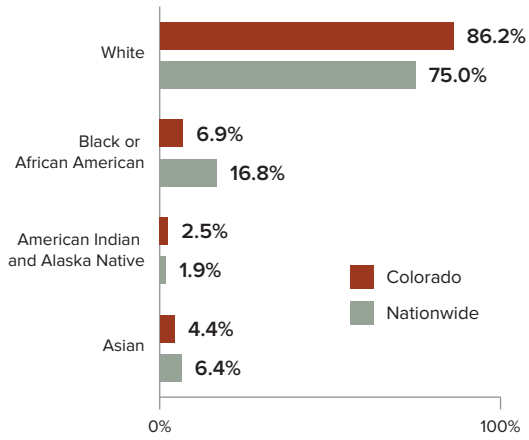
Figure 1.1. **Race: Colorado and nationwide, 2018**



Source: U.S. Census Bureau, 2018 American Community Survey. Available at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/.

- Ninety-six (96.4%) percent of Coloradans associated themselves with one specific race, while the other three (3.4%) percent identified themselves with two or more races.

Figure 1.2. **Juvenile population (0-17 years old) by race: Colorado and nationwide, 2019**

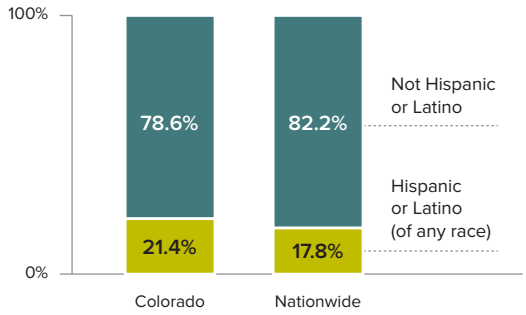


Source: Puzzanchera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online.

- In 2018, 86.2 percent of Colorado's juvenile population (ages 0-17 years old) identified themselves as white. This was higher than the national average (75 percent). Those identifying as Black or African American in Colorado made up 6.9 percent of the juvenile population which was lower than the national average (16.8 percent).

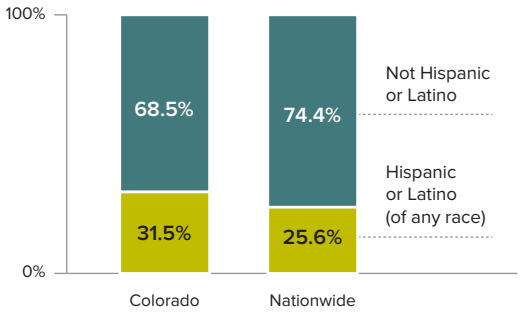
Ethnicity

Figure 1.3. **Ethnicity: Colorado and nationwide, 2018**



Source: U.S. Census Bureau, 2018 American Community Survey. Available at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/.

Figure 1.4. **Juvenile population (0-17 years old) by ethnicity: Colorado and nationwide, 2019**



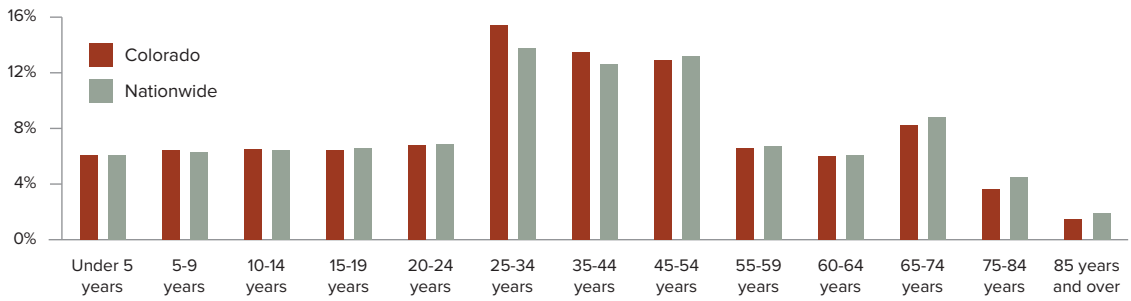
Source: Puzzanchera, C., Sladky, A. and Kang, W. (2020). "Easy Access to Juvenile Populations: 1990-2019." Online.

- One in five (21.4%) Coloradans was of Hispanic or Latino origin in 2018, compared to seventeen percent nationally.

- Thirty-one percent of the juveniles in Colorado were Hispanic compared to twenty-five percent of juveniles in the U.S.

Age

Figure 1.5. **Age: Colorado and nationwide, 2018**



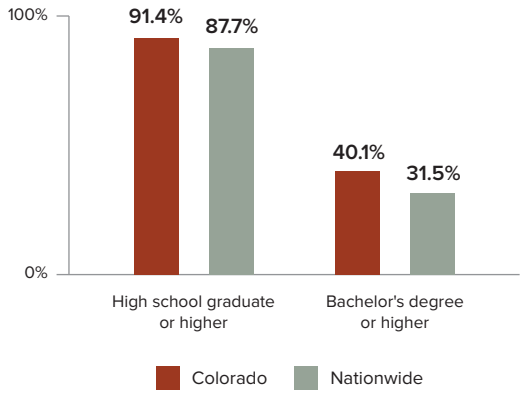
Source: U.S. Census Bureau, 2018 American Community Survey. Available at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/.

- The median age in Colorado is 36.6 years old which is a year younger than the national median age of 37.9 years old.

- Twenty-five percent of the population in Colorado was 19 years old and younger while 13.3 percent was 65 years and older.

Education and employment

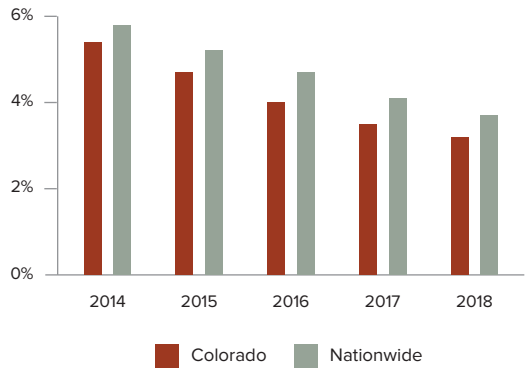
Figure 1.6. **Educational attainment: Colorado and nationwide, 2018**



Source: U.S. Census Bureau, 2018 American Community Survey. Available at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/.

- In 2018, 91.4 percent of the people in Colorado 25 years and over had at least graduated from high school and 40.1 percent had earned a bachelor's degree.

Figure 1.7. **Unemployment rates: Colorado and nationwide, 2014-2018**



Source: U.S. Census Bureau, 2018 American Community Survey. Available at https://www.census.gov/acs/www/data/data-tables-and-tools/data-profiles/2018/.

- Colorado's unemployment rate has decreased from 2014 to 2018 (down to 3.2 percent from 5.4 percent respectively). Unemployment rates have generally declined after increasing 185 percent from 2000 (2.7 percent) to 2009 (7.7 percent). During the same period (2000 to 2009), the national unemployment rate rose from 4.0 to 9.3 percent.

2

The criminal event

This section presents an overview of crime in Colorado and the nation using data that addresses such questions as:

- What is a crime?
- How are crimes classified for legal and reporting purposes?
- How does Colorado measure crime, and why does Colorado employ multiple data sources to assess crime trends?
- How have crime rates changed over the past ten years?

What is a crime?

Crimes are acts and behaviors defined by law for which a formally sanctioned punishment is specified. What is included in the definition of a crime varies across federal, state and local jurisdictions. "Crime" covers a wide range of events, but not all suspected events are crimes. For example, if your personal property is missing, you may not know for certain whether it was stolen or simply misplaced.

How are crimes classified for legal and reporting purposes?

Felonies vs. misdemeanors

Criminal offenses are classified according to how they are handled by the criminal justice system. Most jurisdictions recognize two classes of offenses: felonies and misdemeanors.

- A *felony* is defined by the Colorado Constitution as any criminal offense punishable by death or imprisonment in the penitentiary.
- *Misdemeanors* are often less serious crimes resulting in a fine, a sentence to the county jail or probation supervision.

Violent vs. property crimes

- *Violent crime* refers to acts that involve the threat of force or result in injury against a person. Homicide, assault, sexual assault, and robbery are all considered violent crimes.
- *Property crimes* are unlawful acts with the intent of gaining property but do not involve the use or threat of force against an individual. Larceny, burglary, and motor vehicle theft are examples of property crimes.

Common crime categories

- *Drug abuse violations* are offenses related to growing, manufacturing, possessing, using, selling, or distributing illicit drugs. Colorado statutes distinguish between possession and sale or manufacturing offenses, imposing harsher penalties for the latter.
- *Fraud offenses* include the practice of deceit or intentional misrepresentation of fact with the intent of depriving a person of property or legal rights.
- *Sex crimes* refer to a broad category of crimes that involve unwanted sexual contact or advances.
- *Status offenses* are acts that are illegal only if committed by a juvenile, for example, truancy.

Crime reporting data sources

The Uniform Crime Report (UCR), the National Incident-Based Reporting System (NIBRS) and the National Crime Victimization Survey (NCVS), concentrate on measuring certain well-defined crimes. The UCR's Part One Index, NIBRS and the NCVS do not include all possible criminal events.

For UCR data, law enforcement agencies have historically aggregated crime events into "offenses" and "arrests." Using the NIBRS system, law enforcement agencies submit detailed information on each criminal offense, which are then aggregated into offenses and arrests as well. The NCVS data reflect crime victimization experiences of individuals over the age of 12 living in U.S. households. These three sources of crime information are described below.

The UCR Part One Index shows trends in eight major crimes

In 1927, the International Association of Chiefs of Police (IACP) formed a committee to create a national, uniform system for gathering police statistics to address variations in the way crimes were defined in different parts of the country. The Federal Bureau of Investigation's (FBI) UCR program began in 1930 by collecting data on seven major crimes: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft, selecting these crimes based on seriousness, frequency of occurrence and likelihood of coming to the attention of police. The

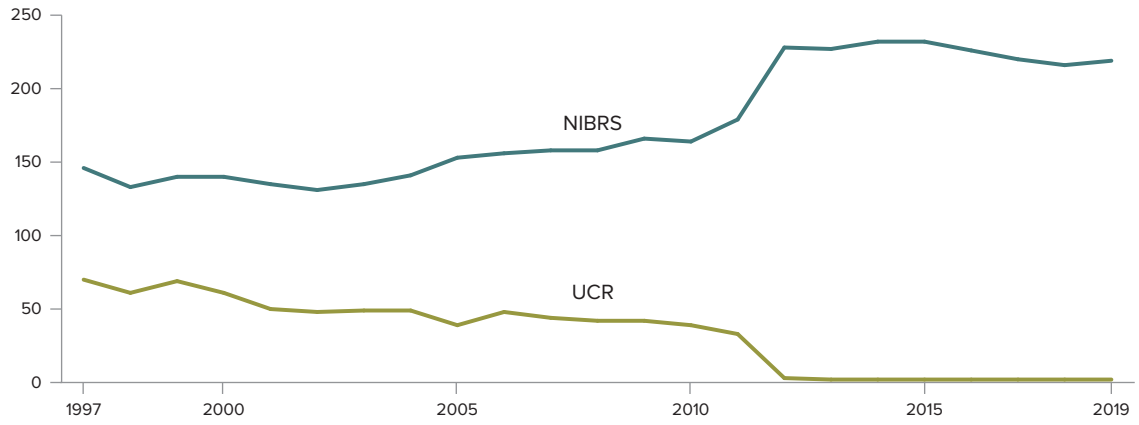
FBI added arson as the eighth UCR index offense in 1978. The UCR also uses a hierarchical coding system to ensure that only the most serious index crime is coded for each incident even if multiple crimes were committed in the same event. Crime rates in the U.S. have historically been reported using the index.

UCR data collection relies on a partnership between local law enforcement agencies that record the offenses, the Colorado Bureau of Investigation (CBI), which compiles and analyzes Colorado data, and the FBI that compiles the national statistics.

NIBRS

In the 1980s, the FBI and Bureau of Justice Statistics (BJS) responded to growing concern about the limitations of UCR, and issued a framework for improving crime reporting, which then became the National Incident Based Reporting System, NIBRS.[1] Like the UCR system, Colorado law enforcement agencies are responsible for recording local crimes and sending their reports to the CBI that then submits the data to the FBI for compiling. Compared to the UCR in which law enforcement agencies aggregate crime reporting to the eight index crimes based on the hierarchical coding system, NIBRS enables law enforcement agencies to document 52 offense classifications and report up to 10 offenses associated with each event.[2] Additionally, law enforcement agencies provide information on the demographics of the individuals involved in the criminal offense(s) and the circumstances surrounding the crime(s). In 1993, Colorado law enforcement agencies began transitioning their crime reporting from UCR to NIBRS, and CBI began submitting exclusively NIBRS data to the FBI in 2013. Figure 2.1 displays the FBI's estimation of Colorado's law enforcement agencies use of NIBRS; the remaining agencies still using the UCR system include the Southern Ute Tribal Police Department and the Ute Mountain Police Department.

Figure 2.1. **Number of law enforcement agencies submitting UCR vs. NIBRS accepted reports, Colorado, 1997-2019**



Notes: After 2013, the remaining law enforcement agencies submitting UCR to the FBI included the Southern Ute Tribal Police Department and the Ute Mountain Police Department.

Source: Federal Bureau of Investigation (n.d), *Crime Data Explorer* 1997-2019. Available at https://crime-data-explorer.fr.cloud.gov/explorer/state/colorado/crime.

[1] Justice Research & Statistics Association (n.d). *Incident-Based Reporting Resource Center*. Available at http://www.incidentbased.org/

[2] Federal Bureau of Investigation (n.d). *NIBRS Quick Facts*. Available at https://www.fbi.gov/file-repository/ucr/nibrs-quick-facts.pdf/view

The FBI has set a date to phase out their legacy UCR data systems in 2021, which will require law enforcement agencies to adopt NIBRS reporting this year.[3] As the rest of the country's law enforcement agencies transition to NIBRS, the FBI has continued to report national and state crime data using the prior UCR system. This report, *Crime and Justice in Colorado*, uses the FBI's UCR estimates to maintain consistency in reporting across the transition period unless otherwise noted.

The NCVS

The U.S. Bureau of Justice Statistics (BJS) developed the National Crime Victimization Survey in 1973 to provide information about crimes that might not be reported to police as well as more detailed information on criminal events and victimization trends over time. BJS significantly redesigned and updated the survey in 1993 to improve the questions and broaden the scope of crimes measured.

The NCVS collects data twice each year from thousands of U.S. households. Each household stays in the sample for three years, and new households are rotated into the sample on an ongoing basis. The 2018 survey, the most recent year for which data are available, includes 151,000 household interviews representing nearly 243,000 personal interviews of individuals 12 and over. In total, the response rate was 73 percent of eligible households and 82 percent of eligible individuals.

The NCVS collects detailed information on the frequency and nature of the crimes of rape, sexual assault, personal robbery, aggravated and simple assault, household burglary, theft and motor vehicle theft. It does not measure homicide or commercial crimes (such as burglaries of stores). The data collected includes information about victims (age, sex, race, ethnicity, marital status, income, and education level), offenders when known (sex, race, approximate age and victim-offender relationship) and the crime (time, place, use of weapons, nature of injury and economic consequences). Questions include experiences of victims with the criminal justice system, and self-protective measures used by the victim.

The NCVS was designed to complement law enforcement-based crime reporting, but these sources of crime data have important distinctions and measure an overlapping but non-identical set of crimes. The NCVS includes crimes both reported and not reported to law enforcement and it excludes crimes against children under 12. The UCR and NIBRS data reflect only offenses reported to the police.

Reporting rates

To be included in UCR and NIBRS crime statistics, the act must be reported to law enforcement. Not all crimes are reported to police agencies, and not all reported crime results in an arrest. Consequently, crime statistics collected by law enforcement agencies typically fall into two categories: information on *known offenses* and *persons arrested* by police departments.

The NCVS provides valuable information about crimes that occurred but were never reported to law enforcement agencies. According to the 2018 NCVS, the most recent survey data available, 43 percent of violent crimes and just over one-third (34 percent) of property crimes were reported to law enforcement agencies (see Table 2.1).

[3] Federal Bureau of Investigation (n.d). *National Incident-Based Reporting System (NIBRS)*. Available at https://www.fbi.gov/services/cjis/ucr/nibrs

Table 2.1. **Percent of crime reported to police, 2019**

Violent crime	**40.9%**
Rape/sexual assault	33.9%
Robbery	46.6%
Aggravated assault	52.1%
Simple assault	37.9%
Property crime	**32.5%**
Burglary	48.5%
Motor vehicle theft	79.5%
Theft	26.8%

Source: Morgan, R.E. & Truman, J.L. (2020). *Criminal victimization, 2019. National Crime Victimization Survey*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at https://www.bjs.gov/content/pub/pdf/cv19.pdf

What are clearance rates?

The Federal Bureau of Investigation (FBI) defines an offense as "cleared by arrest" or solved for crime reporting purposes when at least one person is (1) arrested, (2) charged with the commission of the offense, and (3) turned over to the court for prosecution (whether following arrest, court summons, or police notice-to-appear), or (4) in the case of individuals under the age of 18, when they are cited to appear in juvenile court or before other juvenile authorities.

According to the FBI, approximately half of the nation's violent crimes and 17 percent of nonviolent crimes were cleared by arrest in 2019. These figures have remained stable for decades. In 2019, three out of five murders and one out of three reported rapes were cleared by arrest but only 14 percent of burglaries and motor vehicle thefts were cleared.

Sidebar source: Morgan, R.E. & Truman, J.L. (2020). *Criminal victimization, 2019. National Crime Victimization Survey*. Washington, D.C.: Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at https://www.bjs.gov/content/pub/pdf/cv19.pdf & Federal Bureau of Investigation (2020), *Crime in the United States, 2019.* Available at https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019

Choice of crime statistic and data source matters

Figure 2.2. **Differences in violent crime reporting by statistic, United States, 2019**

2,029,645

Violent crime victimizations (NCVS & UCR)

The number of homicides recorded by law enforcement plus the number of rapes, robberies, and aggravated assaults from the National Crime Victimization Survey, whether or not they were reported to law enforcement.

1,203,808

Violent criminal offenses known to law enforcement (UCR)

The number of homicides, forcible rapes, robberies, and aggravated assaults included in the Uniform Crime Reports of the FBI excluding commercial robberies.

495,871

Violent crime arrests (UCR)

The number of persons arrested for homicide, rape, robbery or aggravated assault as reported by law enforcement agencies to the FBI.

Notes: The serious violent crimes included are rape, robbery, aggravated assault, and homicide.

The criminal justice system handles only a fraction of the nation's crimes. Less than half of all violent crimes are reported to law enforcement, and about half of those reported are cleared by arrest. Just over one-third of nonviolent crimes are reported to police and, of these, only one out of six are cleared by arrest.

Cleared by exceptional means

In certain situations, law enforcement does not make an arrest to clear the crime. When this occurs, the agency can clear the offense *exceptionally*. Law enforcement agencies must meet the following four conditions in order to clear an offense by exceptional means. The agency must have:

- Identified the individual alleged of committing the crime.
- Gathered enough evidence to support an arrest, make a charge, and turn over the individual to the court for prosecution.
- Identified the individual's exact location so that they could be taken into custody immediately.
- Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the individual.

Examples of exceptional clearances include, but are not limited to, the death of the individual (e.g., death by suicide or death by police or citizen); the victim's refusal to cooperate with the prosecution after the individual has been identified; or the denial of extradition because the individual committed a crime in another jurisdiction and is being prosecuted for that offense. In the UCR Program, the recovery of property does not clear an offense.

Table 2.2. **FBI clearance rates, 2019**

Violent crime	**45.5%**
Murder and non-negligent manslaughter	61.4%
Rape	32.9%
Robbery	30.5%
Aggravated assault	52.3%
Property crime	**17.2%**
Burglary	14.1%
Larceny-theft	18.4%
Motor vehicle theft	13.8%

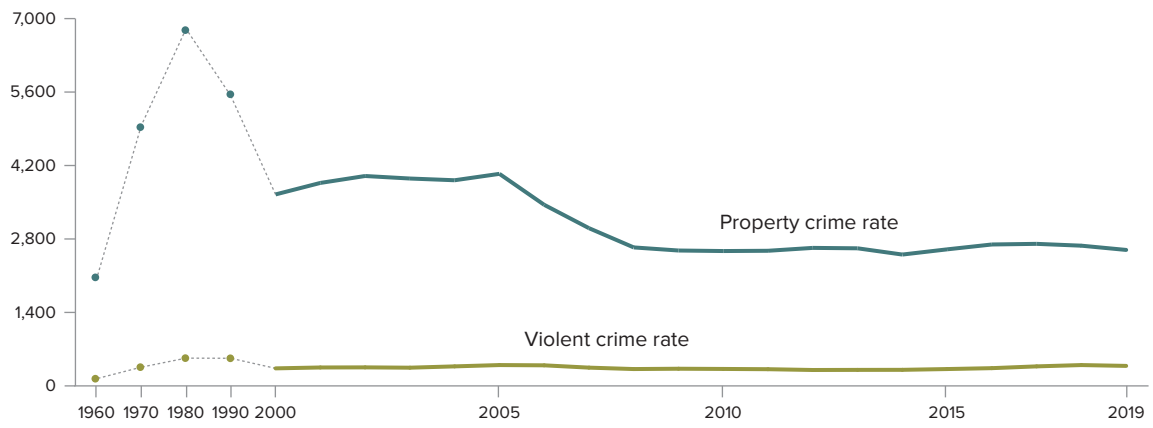
Source: Federal Bureau of Investigation (2020), Crime in the United States, 2019. Available at https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019

How have crime rates changed in the past ten years?

As seen in Figure 2.3, overall, crime rates remain low compared to the peak crime levels in Colorado in the 1980s and early 1990s. Over the past 10 years, violent crime rates reached the lowest point in 2012 with 303 violent crimes per 100,000 residents, and then gradually rose over the next six years. In 2019, there were 381 violent crimes per 100,000 residents. This rise in the violent crime rate in the past five years includes a rise in reported rapes due to a change in the definition during the period as well as an increase in robberies and in aggravated assault.

In the past 10 years, property crime rates remained relatively stable, hovering in the range of 2,503-2,707 property crimes per 100,000 residents. The 2019 property crime rate represented a 62 percent decline from the property rates recorded in 1980. Motor vehicle thefts increased during the time period while burglaries decreased.

Figure 2.3. **Colorado's violent & property crime rates per 100,000 residents, 1960-2019**



Notes: State offense totals are based on data from all reporting agencies and estimates for unreported areas. Rates are the number of reported offenses per 100,000 population.

Source: Federal Bureau of Investigation (n.d), *Crime Data Explorer 2008-2019*. Available at https://crime-data-explorer.fr.cloud.gov/explorer/state/colorado/crime; Federal Bureau of Investigation (n.d), *Uniform Crime Reporting Statistics 1960-2007*. Available at https://www.ucrdatatool.gov/Search/Crime/Crime.cfm; Colorado Department of Local Affairs (n.d.) *Population by Single Year of Age – Region*. State Demography Office. Available at https://demography.dola.colorado.gov/population/data/sya-regions/

In 2019, there were 195,870 arrests, summons and citations issued in Colorado. Colorado law enforcement agencies' arrests dropped by 14 percent between 2015 and 2019 (see Table 2.3). This decline was more pronounced for arrests among Coloradans under the age of 18 where arrests declined by 31 percent over the three year period.

Crimes reported to law enforcement reached the lowest levels in 2012 for violent crime and in 2014 for property crimes.

Table 2.3. **Number of Colorado arrests, summons, and citations by age category, 2015-2019**

	2015	2016	2017	2018	2019
Juveniles	24,566	21,548	21,183	17,906	16,885
Adults	202,241	204,162	213,226	175,310	178,985
Total	**226,807**	**225,710**	**234,409**	**193,216**	**195,870**
Rate per 100,000 residents	4158.6	4072.7	4174.3	3393.8	3398.2

Source: Federal Bureau of Investigation (2016-2020), *Crime in the United States, 2015-2019,* https://ucr.fbi.gov/crime-in-the-u.s & Colorado Department of Local Affairs (n.d.) *Population by Single Year of Age – Region*. State Demography Office. Available at https://demography.dola.colorado.gov/population/data/sya-regions/

Homicides

Homicide is the least frequently occurring violent crime. In 2019, 218 homicides were reported in Colorado; since 2008, deaths ranged from 129 to 222 per year. In 2019, three quarters of the victims were men, and the majority (57 percent) ranged in ages from 18-44.[4] Two-thirds (65 percent) of the homicides were committed with a firearm in 2019. Just over half (54 percent) of the homicides occurred in a residence or apartment.

Table 2.4. **Homicide victims in Colorado, 2010-2019**

Year	Number of Victims
2010	129
2011	155
2012	152
2013	174
2014	150
2015	173
2016	189
2017	222
2018	210
2019	218

Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

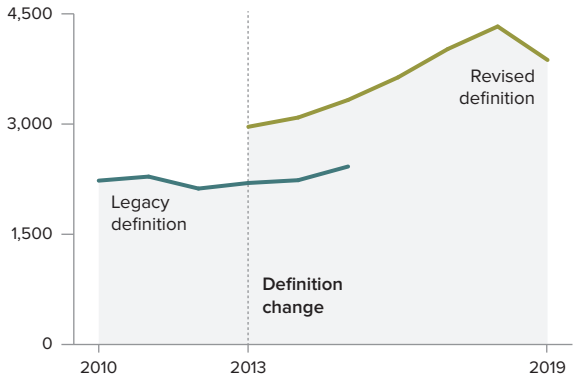
Colorado's 218 homicides in 2019 translates to a rate of 3.8 incidents per 100,000 residents; Colorado's rate is below the US rate of 5.0 homicides per 100,000 residents. Idaho had the lowest rate among other Western states at 2.0 homicides per 100,000 residents, and New Mexico had the highest at 8.6 incidents per 100,000 residents in 2019.

Rape and non-consensual sexual offenses

FBI changes in definition of rape – In 2013, the FBI both dropped the word "forcible" from the rape offense category and expanded the definition to be more encompassing of male victims of sexual assault. The changes were intended to shift the definition away from the focus on use of force or violence toward issues regarding not gaining consent for sexual contact. The new definition reads as follows: "penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim."[5] This definition change coincides with an increase in the number of offenses as seen in Figure 2.4.

Colorado law enforcement agencies also collected offense information about non-consensual sex offenses, which includes fondling, sexual assault with an object, and sodomy, in addition to rape. Reported non-consensual sex offenses increased during the ten year period; in 2019, the rate dipped slightly to 114 offenses per 100,000 (from 2018's 125 offenses per 100,000). Of the reported sex offenses in 2019, 39 percent involved rape. Those aged 10-17 reported 38 percent of all sex offenses in 2019.

Figure 2.4. **Rape Offenses by Definition in Colorado, 2010-2019**

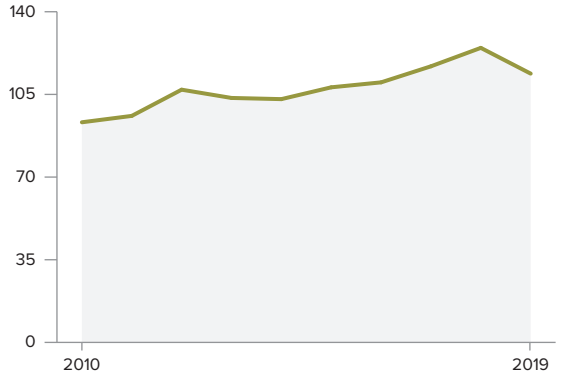


Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

[4] Colorado Bureau of Investigation (2020). *Colorado Crime Statistics*. Department of Public Safety. Available at https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2019

[5] Federal Bureau of Investigations (2019). *Crime in the US, 2018: Rape*. Available at https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/rape

Figure 2.5. **Non-consensual Sexual Offenses in Colorado per 100,000 Residents, 2010-2019**

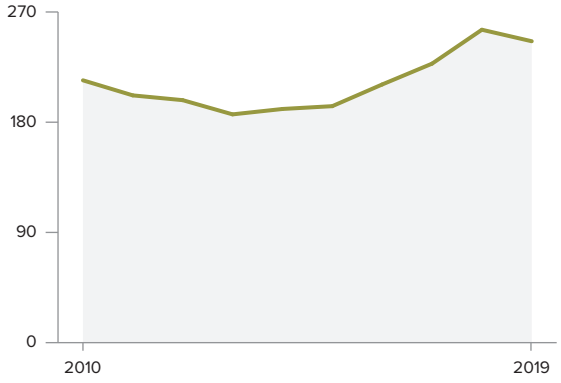


Source: Colorado Bureau of Investigation (2020). *Colorado Crime Statistics*. Department of Public Safety. Available at https://coloradocrimestats.state.co.us/tops/report/violent-crimes/colorado/2019

Aggravated assault

Between 2010 to 2019, the rate of aggravated assaults dropped to its lowest level in 2014 at 186.4 offenses per 100,000 residents, and then rose steadily reaching 246.1 offenses per 100,000 residents in 2019.

Figure 2.6. **Aggravated Assaults in Colorado per 100,000 Residents, 2010-2019**

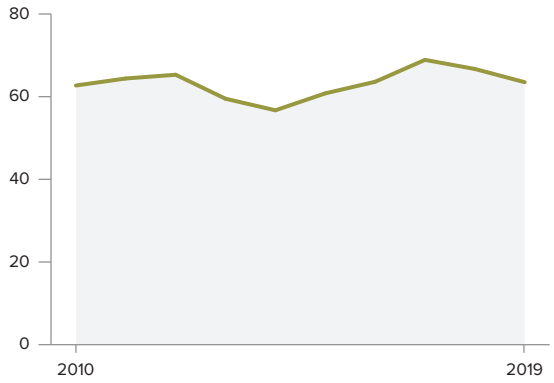


Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

Robbery

The FBI defines robbery as "the taking or attempting to take anything of value under confrontational circumstances from the control, custody or care of another person by force or threat of force or violence and/or by putting the victim in fear of immediate harm."[6] In 2019, 3,663 robberies were reported to law enforcement in Colorado. Between 2010-2019, robbery rates were stable, ranging from 56.3-68.9 incidents per 100,000 residents.

Figure 2.7. **Robbery offenses in Colorado per 100,000 Residents, 2010-2019**



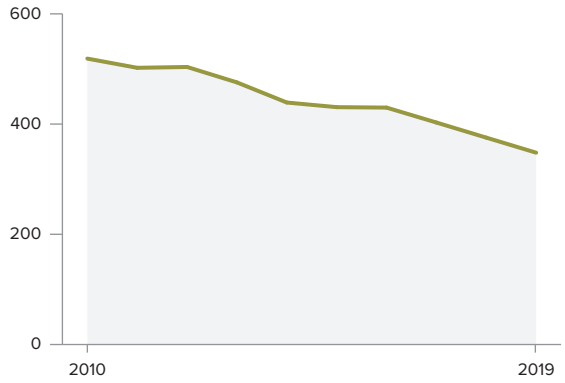
Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

[6] Federal Bureau of Investigation (2019), *Crime in the United States, 2018*. Available at https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018

Burglary

The FBI defines burglaries as "the unlawful entry into a building with the intent to commit a felony or theft," and reported burglaries declined by a third from 2009 to 2018.[7] In 2019, law enforcement agencies in Colorado recorded 20,064 burglaries or 348 offenses per 100,000 residents. n 2019, 59 percent of burglaries took place in homes or residential areas, and over half (52 percent) involved forced entry into the structure.

Figure 2.8. **Burglary offenses in Colorado per 100,000 Residents, 2010-2019**

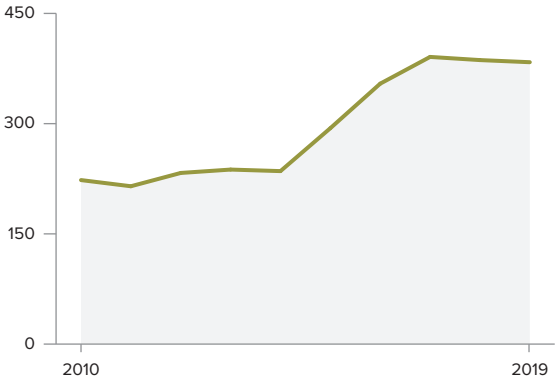


Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

Motor vehicle theft

From 2010-2019, law enforcement agencies reported motor vehicle theft rates increased by 72 percent. In 2019, there were 383.6 offenses per 100,000 residents, which represents a slight decline from 2017's peak rate at 380.7 offenses per 100,000 residents.

Figure 2.9. **Number of motor vehicle theft offenses in Colorado, 2010-2019**



Source: Federal Bureau of Investigation (2011-2020), *Crime in the United States, 2010-2019*. Available at https://ucr.fbi.gov/crime-in-the-u.s

[7] Federal Bureau of Investigation (2019). *Crime in the US, 2018: Burglary*. Available at https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/burglary

3

Adults in the criminal justice system

This section describes the complex entity known as the criminal justice system. The idea that there is a "system" involving law enforcement, courts, jails and corrections evolved in the late 1960s. This "system" was defined for the first time in the final report of the President's Commission on Law Enforcement and the Administration of Justice in 1967. The Commission defined an entity with independent and interdependent agencies–organizations that often had overlapping jurisdictions and conflicting objectives.

The Commission studied criminal justice in the states for over two years and in its multiple-volume report made hundreds of recommendations for integrating the various elements of the criminal justice system. The Commission's recommendations included enhancing training and education to increase professionalism, and developing transparent policies that described the methods used to make case processing decisions.

Most of the Commission's recommendations were incorporated into the federal 1968 Safe Streets Act. With the passage of the Safe Streets Act, federal funding to implement improvements in local criminal justice practices began flowing to each state. This is the legacy of the Justice Assistance Grants (JAG), the National Criminal History Improvement Program funds, and the Edward Byrne Memorial law enforcement funds.

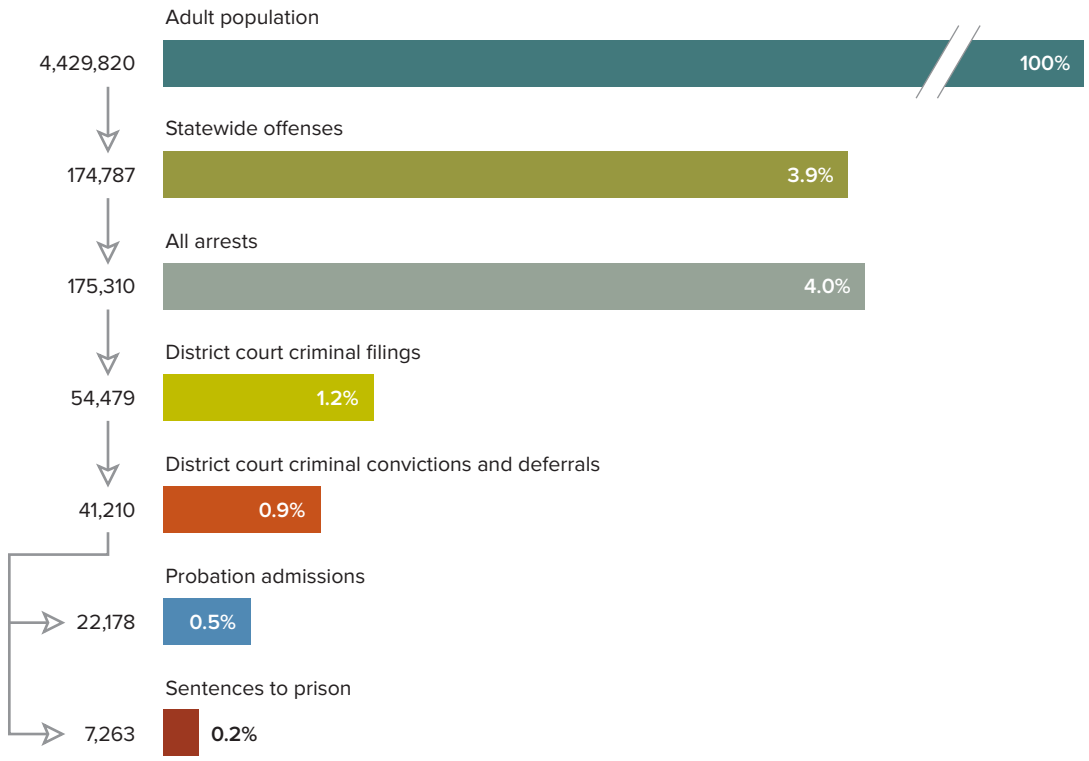
The President's Commission recommended–and the 1998 Safe Streets Act mandated–the creation of State Planning Agencies that would set priorities for criminal justice improvement. The Commission emphasized the need for research to guide criminal justice planning at the state and local levels.

The Division of Criminal Justice (DCJ) is the state-level criminal justice planning agency in Colorado. The Office of Research and Statistics (ORS) represents the research effort described in that original 1968 Crime Act. Central questions that the ORS targets in its research include the following:

- What factors affect decisions regarding arrest, court case filings, prosecutions, convictions and sentencing?
- How are cases processed through the justice system?
- What do we know about individuals convicted of criminal activity?

Crime funnel

Figure 3.1. **The adult crime funnel, 2018**



Notes: Population data is reported for calendar year 2018. Statewide offense data is reported for calendar year 2018. Arrest data is reported for calendar year 2018, and includes UCR index crimes only. UCR index crimes include homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. District court criminal filing data is reported for fiscal year 2018. District court criminal convictions and deferrals are reported for calendar year 2018. District court probation and prison admission data are reported for fiscal year 2018.

Sources:

Population data: Colorado Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/

Offense data: Federal Bureau of Investigation. Available at https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-5

Arrest data: Federal Bureau of Investigation. Available at https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/tables/table-69

Filing data: Colorado Judicial Branch. (2018). *Annual statistical report fiscal year 2018*. Denver, CO: Supreme Court of Colorado. Table 12. Available at https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep

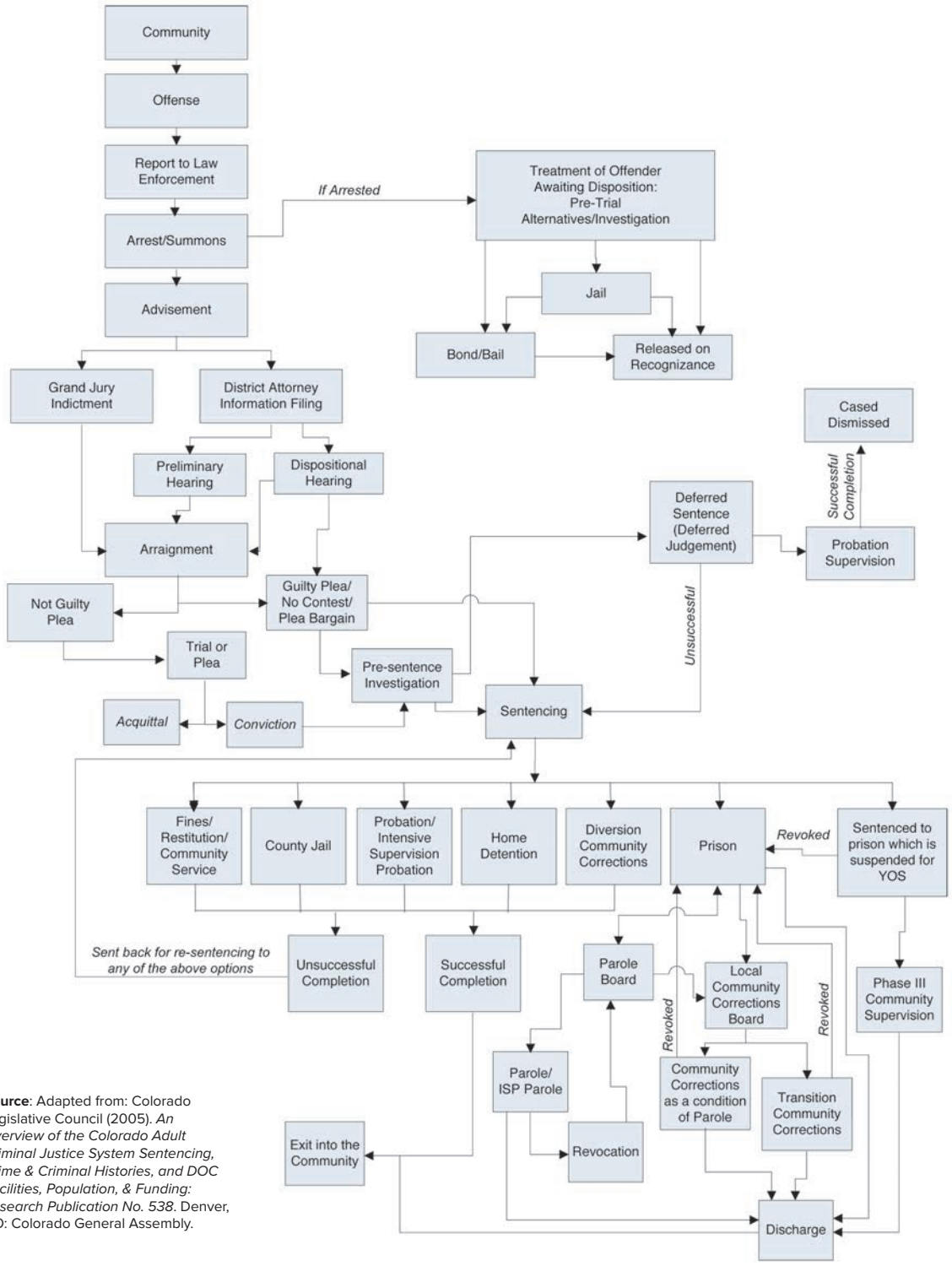
Conviction and deferral data: Data were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

District court probation admission data: Colorado Judicial Branch. (2018). *Annual statistical report fiscal year 2018*. Denver, CO: Supreme Court of Colorado. Table 44. Available at https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Annual_Statistical_Reports/2018/FY2018FINAL.pdf

Prison admission data: Colorado Department of Corrections (2018). *Statistical report: FY 2018*. Table 3. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Cases processed through Colorado's adult criminal justice system

Figure 3.2. **Adult criminal justice system flowchart**



Source: Adapted from: Colorado Legislative Council (2005). *An Overview of the Colorado Adult Criminal Justice System Sentencing, Crime & Criminal Histories, and DOC Facilities, Population, & Funding: Research Publication No. 538*. Denver, CO: Colorado General Assembly.

Overview of the justice system

The criminal justice system is a complex process that involves multiple agencies with different purposes, policies, decision makers and jurisdictions. Much of the system is defined in the Colorado Revised Statutes (C.R.S). Figure 3.2, combined with the information on the following pages, provides a general description of how criminal cases move through the system in Colorado.

Arrest/Summons

Arrest: C.R.S. 16-3-101 through 16-3-102

A peace officer may arrest a person when there is a warrant commanding that the person be arrested, any crime has been or is being committed by such person in the peace officer's presence, or the peace officer has probable cause to believe that the offense was committed by the person to be arrested.

Summons: C.R.S. 16-5-206 through 16-5-207

This is a notice requiring a person to appear in court on a specific day at a specific time. The summons is returned to the court to document that the person was served with it.

Pre-trial alternatives/Pre-trial investigation
C.R.S. 16-4-105(3)

Pre-trial service programs in the District Attorney's office establish procedures for screening arrested persons. The programs provide information to the judge to assist in making an appropriate bond decision. The programs may also include different methods and levels of community based supervision as a condition of pretrial release. It is at this stage that the judge decides what, if any, pretrial release is appropriate.

Jail
C.R.S. 17-26-101

Lawfully committed persons and prisoners are housed in a county jail for detention, safekeeping, and confinement. Each county in the state is required to maintain a jail except counties with populations of less than 2,000.

Bond/Bail
C.R.S. 16-4-101 through 16-4-112

All persons are eligible for bond except in the following situations:

(a) for capital offenses when proof is evident or presumption is great; or

(b) when, after a hearing held within 96 hours of arrest, the court finds reasonable proof that a crime was committed and finds that the public would be placed in significant peril if the accused were released on bail and such person is accused in any of the following cases:

  (I) a crime of violence while on probation or parole resulting from the conviction of a crime of violence;

  (II) a crime of violence while on bail pending the disposition of a previous crime of violence charge for which probable cause has been found;

  (III) a crime of violence after two previous felony convictions, or one previous felony conviction if the conviction was for a crime of violence in Colorado or any other state when the crime would have been a felony if committed in Colorado which, if committed in this state, would be a felony;

  (IV) a crime of possession of a weapon by a previous offender;

  (V) 1st and 2nd degree sexual assault on a child, on a child in position of trust, the victim is fourteen years of age or younger, and seven or less years younger than the accused;

(c) when a person has been convicted of a crime of violence or a crime with possession of a weapon at the trial court level and such person is appealing the conviction or awaiting sentencing for the conviction and the court finds that the public would be placed in significant peril if the convicted person were released on bail.

Released on recognizance
C.R.S. 16-4-104 through 16-4-105

A defendant may be released from custody upon execution of a personal recognizance bond which is secured only by the personal obligation of the defendant.

Advisement (or first appearance)
C.R.S. 16-7-207

At the first appearance of the defendant in court, the court informs the defendant of the following:

(a) that they need make no statement, and any statement made can and may be used against the defendant;

(b) the right to counsel;

(c) if indigent, the right to the appointment of counsel or to consult with the public defender; or to consult with the public defender;

(d) that any plea must be voluntary and not the result of influence or coercion;

(e) the right to bail; whether the law allows bail, and the amount of bail that has been set by the court.

(f) the right to a jury trial; and

(g) the nature of the charges.

Grand jury indictment
C.R.S. 13-72-101, et seq., 13-73-101, et seq., 16-5-101, et seq., 16-5-201, et seq.

The court or a district attorney may convene a grand jury to investigate a crime and to return an indictment. Colorado statutes allow county grand juries, judicial district grand juries, and statewide grand juries.

District Attorney (DA) information filing
C.R.S. 16-5-208

In all cases where an accused is in county court concerning the commission of a felony and is bound over and committed to jail or is granted bail, the district attorney is responsible for filing an information in the district court alleging the accused committed the criminal offense described in the information. If the district attorney decides not to file charges, he or she is to file in district court a written statement containing the reasons for not doing so.

Preliminary hearing
C.R.S. 16-5-301 and 18-1-404

Every person charged with a class 1, 2, or 3 felony and every person accused of a class 4, 5, or 6 felony which requires mandatory sentencing or is a crime of violence or is a sexual offense has the right to demand and receive a preliminary hearing in order to determine whether probable cause exists to believe that the defendant committed the charged offense.

Dispositional hearing
C.R.S. 16-5-301 and 18-1-404

Persons charged with a class 4, 5, or 6 felony, except those requiring mandatory sentencing or which are crimes of violence or sexual offenses, must participate in a dispositional hearing for the purposes of case evaluation and potential resolution.

Arraignment
C.R.S. 16-7-201 through 16-7-208

At the time of arraignment the defendant may enter one of the following pleas: a) guilty; b) not guilty; c) nolo contendere (no contest) with the consent of the court; or d) not guilty by reason of insanity, in which event a not guilty plea may also be entered.

Not guilty plea >>> Proceed to trial
C.R.S. 16-7-205

Guilty plea >>> Proceed to sentencing
C.R.S. 16-7-205

Deferred sentencing or deferred judgment
C.R.S. 18-1.3-102

After a defendant has pled guilty and the court and DA have agreed, the court may defer sentencing or judgment by continuing the case for up to four years from the date a felony plea was entered or two years from the date a misdemeanor plea was entered. The period may be extended for up to 182 days if failure to pay restitution is the sole condition of supervision which has not been fulfilled and the defendant has shown a future ability to pay. During the period of deferred sentencing, the court may place the defendant under the supervision of the probation department. Upon full compliance with conditions of probation and stipulations agreed to by the defendant and the DA, the plea of guilty previously entered into is withdrawn and the charges dismissed with prejudice. Upon a violation of a condition of probation or a breach of the stipulation, the court must enter judgment and impose a sentence on the guilty plea.

Plea bargain
C.R.S. 16-7-301 through 16-7-304

The district attorney may engage in plea discussions to reach a plea agreement in those instances where it appears that the effective administration of criminal justice will be served. The DA should only engage in plea discussions in the presence of the defense attorney. When a plea has been reached, the prosecutor informs the court of the terms of the plea agreement and the recommended penalty. The court then advises the defendant that the court exercises independent judgment in deciding whether to grant charge and sentence concessions made in the plea agreement and that the court may sentence the defendant in a manner that is different than that discussed in the plea discussions. The court may then concur or not concur with the proposed plea agreement.

Trial
C.R.S. 16-10-101 through 16-10-110 and 16-10-201 and 16-10-202, 16-10-301, 16-10-401 and 16-10-402

The right of a person who is accused of an offense other than a non-criminal traffic infraction or a municipal ordinance violation to have a trial by jury is inviolate and a matter of substantive due process of law. If the defendant is not brought to trial within six months from the date of the not guilty plea, he or she is to be discharged from custody if he/she has not been granted bail, and the pending charges are to be dismissed. The defendant may not be indicted again, informed against, or committed for the same offense. If a continuance has been granted for the defense, the period is extended for an additional six months. If the prosecuting attorney is granted a continuance, the trial can be delayed up to six months only if certain circumstances are met which are noted in C.R.S. 18-1-405 (6).

Jury trial
C.R.S. 18-1-405 through 18-1-406

Every person accused of a felony has the right to be tried by a jury of 12 whose verdict must be unanimous. A person may waive the right to a jury trial except in the case of class 1 felonies.

Pre-sentence investigation
C.R.S. 16-11-102

Following each felony (other than a class 1) conviction, or upon court order in a misdemeanor conviction, a probation officer conducts an investigation and makes a written report to the court before sentencing. Presentence reports include a substance abuse assessment or evaluation. The report also includes, but is not limited to, the following information: family background, educational history, employment record, past criminal record including any past juvenile delinquency record involving unlawful sexual behavior, an evaluation of alternative dispositions available, a victim impact statement, and such other information that the court may require. Copies of the report, including any recommendations, are given to the prosecutor and the defense attorney no less than 72 hours prior to the sentencing hearing.

Sentencing
C.R.S. 18-1.3-104

The trial court has the following alternatives in imposing a sentence: grant probation; imprisonment for a definite period of time or even death (which is a separate finding of appropriateness by a jury); the

payment of a fine or to a term of imprisonment or to both a term of imprisonment and the payment of a fine; any other court order authorized by law; or payment of costs. Non-violent offenders may be sentenced to probation, community corrections, home detention, or a specialized restitution and community service program.

- ***Fines, restitution, community service***

  Fines: C.R.S. 18-1.3-701, et seq.

  Fees and fines are assessed when there has been a conviction or adjudication to cover the costs of prosecution, the amount of the cost of care, and any fine imposed.

  Restitution: C.R.S. 18-1.3-302 and 18-1.3-601

  Every order of conviction of a felony, misdemeanor, petty, or traffic misdemeanor offense shall include consideration of restitution.

  Community service: C.R.S. 18-1.3-302 and 18-1.3-507

  Offenders may be ordered by the court to perform community or useful public service which will be monitored.

- ***County jail***
  C.R.S. 18-1.3-106

  Offenders convicted of a misdemeanor offense are punished by fine or imprisonment. A term of imprisonment for a misdemeanor is not served in a state correctional facility unless the sentence is served concurrently with a term of conviction for a felony. The court may also sentence an offender to a term of jail and probation (C.R.S. 18-1.3202), to a term of jail and work release (C.R.S. 18-1.3-207), or to a term of jail and a fine (C.R.S. 18-1.3-505).

- ***Probation***
  C.R.S. 18-1.3-201, et seq.

  Offenders are eligible for probation with the following exceptions: (1) those convicted of a class 1 felony or class 2 petty offense; (2) those who have been convicted of two prior felonies in Colorado or any other state; and (3) those convicted of a class 1, 2 or 3 felony within the last ten years in Colorado or any other state. Eligibility restrictions may be waived by the sentencing court upon the recommendation of the DA. In considering whether to grant probation, the court may determine that prison is a more appropriate placement for the following reasons: (1) there is an undue risk that the defendant will commit another crime while on probation; (2) the defendant is in need of correctional treatment; (3) a sentence to probation will unduly depreciate the seriousness of the defendant's crime or undermine respect for law; (4) past criminal record indicates that probation would fail to accomplish its intended purpose; or (5) the crime and the surrounding factors do not justify probation.

- ***Intensive supervision probation (ISP)***
  C.R.S. 18-1.3-208(4)

  The court may sentence an offender who is otherwise eligible for probation and who would otherwise be sentenced to the DOC to ISP if the court determines that the offender is not a threat to society. Offenders on ISP receive the highest level of supervision provided to probationers including highly restricted activities, daily contact between the offender and the probation officer, monitored curfew, home visitation, employment visitation and monitoring, and drug and alcohol screening.

- ***Home detention***
  C.R.S. 18-1.3-105

  Home detention is an alternative correctional sentence in which a defendant convicted of a felony (except a class 1 felony) is allowed to serve the sentence or term of probation at home or another approved residence. Home detention programs require the offender to stay at the residence at all times except for approved employment, court-ordered activities, and medical appointments. A sentencing judge may sentence an offender to a home detention program after considering several factors such as the safety of the victims and witnesses and the public at large, the seriousness of the offense, the offender's prior criminal record, and the ability of the offender to pay for the costs of home detention and provide restitution to the victims.

- ***Diversion community corrections***
  C.R.S. 18-1.3-301

  Any district court judge may refer an offender convicted of a felony to a community corrections program unless the offender is required to be sentenced as a violent offender. The court may also refer an offender to community corrections as a condition of probation. Any offender sentenced by the court to community corrections must be approved by the local community corrections board for acceptance into the program.

- ***Prison***
  C.R.S. 18-1.3-401, et seq.

  Persons convicted of felony offenses are subject to a penalty of imprisonment at the Department of Corrections (DOC) for a length of time that is specified in statute corresponding to the felony class for which the offender was convicted.

- ***Youthful Offender System (YOS)***
  C.R.S. 18-1.3-407

  A sentence to the YOS is a determinate sentence of no less than two years or no more than seven years. In order to sentence a young offender to the YOS, the court must first impose a sentence to the DOC which is then suspended on the condition that the youthful offender complete a sentence to the YOS, including a period of community supervision.

Parole Board
C.R.S. 17-2-201, et seq.

The Parole Board consists of nine members appointed by the Governor and confirmed by the Senate. The board considers all applications for parole and conducts parole revocation hearings. If the Board refuses parole, the Board must reconsider parole every year thereafter until parole is granted or the offender is discharged. For class 1 or 2 crimes of violence, class 3 sexual assault, habitual offenders, and sex offenders, the Board is required to review parole once every three years.

Local community corrections board
C.R.S. 17-27-103

Local community corrections boards are the governing bodies of community corrections programs. Locally elected officials appoint community corrections boards. These boards' authority includes the following: to approve or disapprove the establishment and operation of a community corrections program; to enter into contracts to provide services and supervision for offenders; to accept or reject any offender referred for placement in a community corrections facility; the authority to reject an offender after placement in a community corrections program; to establish and enforce standards for the operation of a community corrections program; and to establish conditions for the conduct of offenders placed in community corrections programs.

Parole/Intensive supervision programs
C.R.S. 17-22.5-403 and 17-27.5-101

Offenders sentenced for class 2, 3, 4, 5, or 6 felonies are eligible for parole after serving 50 percent of their sentence, less earned time. Offenders convicted for more serious crimes, as defined by statute, are required to serve 75 percent of their sentence less earned time before being eligible for parole. DOC inmates who have no more than 180 days until their parole eligibility date (PED) are eligible for placement in ISP. In addition, offenders in a community corrections facility who have met residential program requirements and who have no more than 180 days until their PED are eligible for ISP.

Transition community corrections
C.R.S. 18-1.3-301(2)

The DOC executive director may transfer any inmate who has displayed acceptable institutional behavior, other than one serving a sentence for a crime of violence, to a community corrections program subject to approval by the community corrections board. Non-violent inmates are referred to community corrections by the DOC 19 months prior to the offender's PED and moved to a community corrections facility 16 months prior to the PED. The DOC may refer violent offenders to a community corrections facility

9 months prior to the PED and may move them 180 days prior to the PED.

Community corrections as a condition of parole
C.R.S. 18-1.3-301(3)

The Parole Board may refer any parolee for placement in a community corrections program, subject to acceptance by the local community corrections board. Placement may be made a condition of release on parole or as a modification to the conditions of parole after release or upon temporary revocation of parole.

YOS Phase II and II community supervision
C.R.S. 18-1.3-407(3.3)(c)(I) and (II)

After a youthful offender has completed the core programs, supplementary activities, and educational and prevocational programs in phase I of the YOS, the DOC is authorized to transfer the youthful offender to a Phase II 24-hour custody residential program. Phase III is administered for the period of community supervision remaining after completion of phase II. During phase III, the youthful offender is to be monitored as he or she reintegrates into the community.

Revocation
C.R.S. 17-2-103

A parolee who violates the conditions of parole may have their parole revoked. Such violations include a new offense, belief that the parolee has left the state, refusal to appear before the board to answer charges of violations, or testing positive for an illegal or unauthorized substance. After the arrest or summons of the parolee, a complaint will be filed by the parole office. A parole hearing relating to the revocation will be held. If the board determines that a violation of a condition or conditions of parole has been committed, the board will either revoke parole, continue it in effect, or modify the conditions of parole.

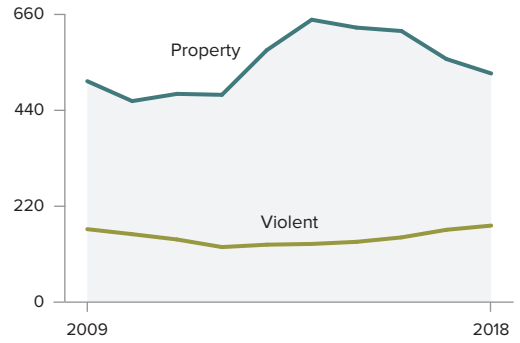
Successful discharge

The offender successfully completes the conditions of parole or community corrections and is free to integrate back into the community.

Source: Adapted from: Colorado Legislative Council (2005). *An Overview of the Colorado Adult Criminal Justice System Sentencing, Crime & Criminal Histories, and DOC Facilities, Population, & Funding: Research Publication No. 538*. Denver, CO: Colorado General Assembly.

Adult violent vs. property arrests

Figure 3.3. **Colorado adult violent and property crime arrest rates, 2009-2018**

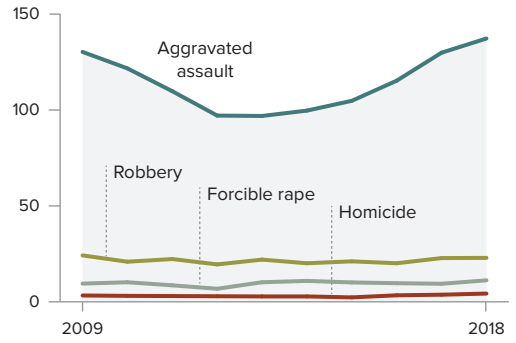


Notes: Rates are per 100,000 adults. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigations. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

- In 2018, Colorado's arrest rate was 176 violent arrests per 100,000 people. The property crime arrest rate was 525 per 100,000 inhabitants.
- In Colorado, arrests for violent crimes make up 25 percent of all arrests.
- Aggravated assaults made up the vast majority of violent crime arrests.
- While violent crime arrest rates have fluctuated in the past 10 years, all major violent crime arrest rates increased in 2018.
- Larcenies and thefts made up the vast majority of property crimes.
- Since 2010, Colorado's larceny and theft arrest rates have continuously increased and started decreasing in 2015.

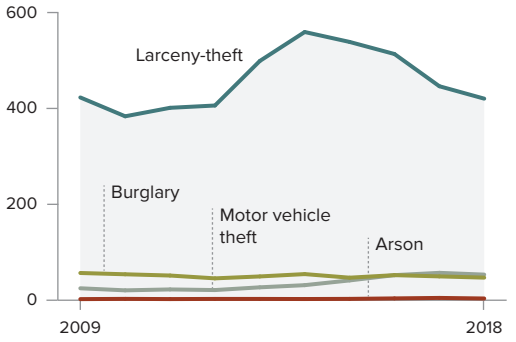
Figure 3.4. **Colorado adult violent crime arrest rates, 2009-2018**



Notes: Rates are per 100,000 adults.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigations. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

Figure 3.5. **Colorado adult property crime arrest rates, 2009-2018**



Notes: Rates are per 100,000 adults.

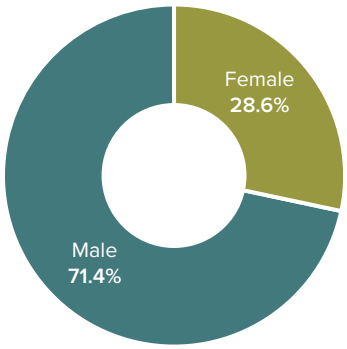
Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigations. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

! Note the differences in scale used in the figures on this page.

Who gets arrested?

The following figures display demographic information on adults arrested in Colorado during calendar year 2018. The data were extracted from the Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. and analyzed by DCJ's Office of Research and Statistics. This data source differs from that used to compile the annual "Crime in Colorado" statistics, and generally represents arrests involving more serious crimes.

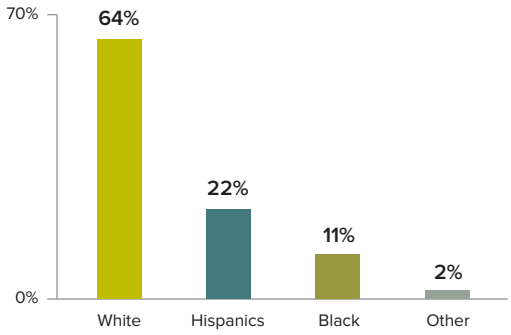
Figure 3.6. **Gender: Colorado adults arrested, 2018 (N=201,355)**



Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

- Most arrestees were male (71 percent) and White (86 percent).

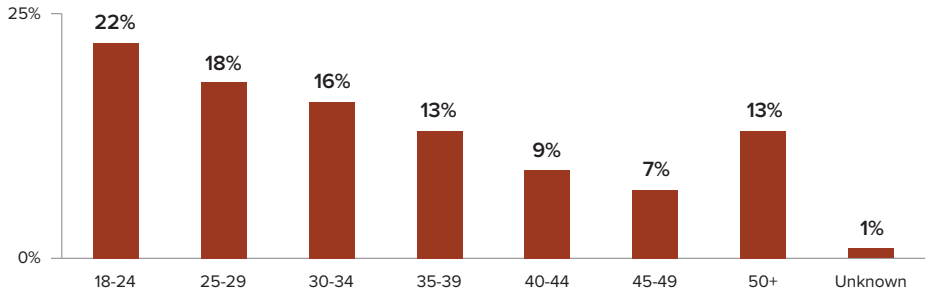
Figure 3.7. **Race/ethnicity: Colorado adults arrested, 2018 (N=201,355)**



Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

- Blacks represent approximately four percent of the Colorado population but comprised 11 percent of arrestees in 2018.
- Hispanics represented approximately 19 percent of the Colorado population in 2018 and comprised 22 percent of arrests.
- In 2018 the average age of arrested adults was 35. Two-thirds (69 percent) of adult arrestees were under age 40. Female arrestees tended to be slightly younger than males, at age 34, on average, compared to age 35 for men.

Figure 3.8. **Age: Colorado adults arrested, 2018 (N=201,355)**



Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Who exercises discretion?

Table 3.1. **Who exercises discretion?**

These criminal justice officials	Must often decide whether or not or how to...
Police	• Enforce specific laws • Investigate specific crimes • Search people, vicinities, buildings • Arrest or detain people
Prosecutors	• File charges or petitions for adjudications • Seek indictments • Drop cases • Reduce charges
Judges or magistrates	• Set bail or conditions for release • Accept pleas • Determine delinquency • Dismiss charges • Impose sentence • Revoke probation
Correctional officials	• Assign to type of correctional facility • Award privileges • Punish for disciplinary infractions
Paroling authorities	• Determine date and conditions of parole • Revoke parole

Source: Bureau of Justice Statistics. *The justice system*. Bureau of Justice Statistics, U.S. Department of Justice. Available at https://www.bjs.gov/content/justsys.cfm.

Overview of prosecution

The American prosecutor is unique in the world[1]

The American prosecutor is a public position representing the people in matters of criminal law. As an elected official, the local prosecutor is responsible only to the voters.

Prosecution is the function of representing the government in criminal cases

After the police arrest a person suspected to have committed a crime, the prosecutor coordinates the government's response to crime—from the initial screening, when the prosecutor decides whether or not to press charges, through trial and, in some instances, at the time of sentencing, by the presentation of sentencing recommendations.

Prosecutors have been accorded much discretion in carrying out their responsibilities. They make many of the decisions that determine whether or not a case will proceed through the criminal justice process.

Most felony cases in Colorado are prosecuted by district attorneys

The primary duty of the district attorney in Colorado is to appear on behalf of the state, the people, or any county in the district in all indictments, actions and proceedings filed in district court. The district attorney will also prosecute cases that are transferred to the district from another by a change of venue.

A district attorney is elected in each of Colorado's 22 judicial districts to prosecute criminal cases on behalf of the state (the people). The district attorney is a part of the executive branch of government.

The state attorney general and the U.S.attorneys also prosecute cases in the state

The attorney general prosecutes and defends all suits relating to matters of state government except those that involve the legislative branch. The attorney general is elected by the people and is a member of the governor's cabinet. Federal prosecution is the responsibility of 94 U.S. attorneys who are appointed by the president.

The decision to charge is solely at the prosecutor's discretion

Once an arrest is made and the case is referred to the district attorney, most district attorneys screen cases to determine whether the case merits prosecution. The district attorney may refuse to prosecute, for example, because of insufficient evidence. The district attorney has the power to dismiss cases or to decide which of several possible charges to press in a prosecution. The number of cases accepted for prosecution varies by district attorney.

Mission: The Constitutions of the United States and Colorado establish the right to counsel. The single overriding objective of the Office of the State Public Defender is to provide reasonable and effective criminal defense representation.

[1] Bureau of Justice Statistics. *The justice system*. Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Available at http://bjs.ojp.gov/content/justsys.cfm#structure.

Colorado case filings

Colorado criminal code penalties

The Colorado District Attorneys' Council prepared tables that describe criminal penalties for offenses committed on or after July 1, 1993. Sentencing laws have been changed many times by the General Assembly, but the overall structure of the sentencing ranges has remained constant since the early 1980s.

Tables containing the penalties for felonies and misdemeanors (for both drug and non-drug offenses) can be found in Section 7.

An index of sentencing provisions for sex offense crimes as well as unlawful sexual behavior requiring sex offender registration can also be found in Section 7.

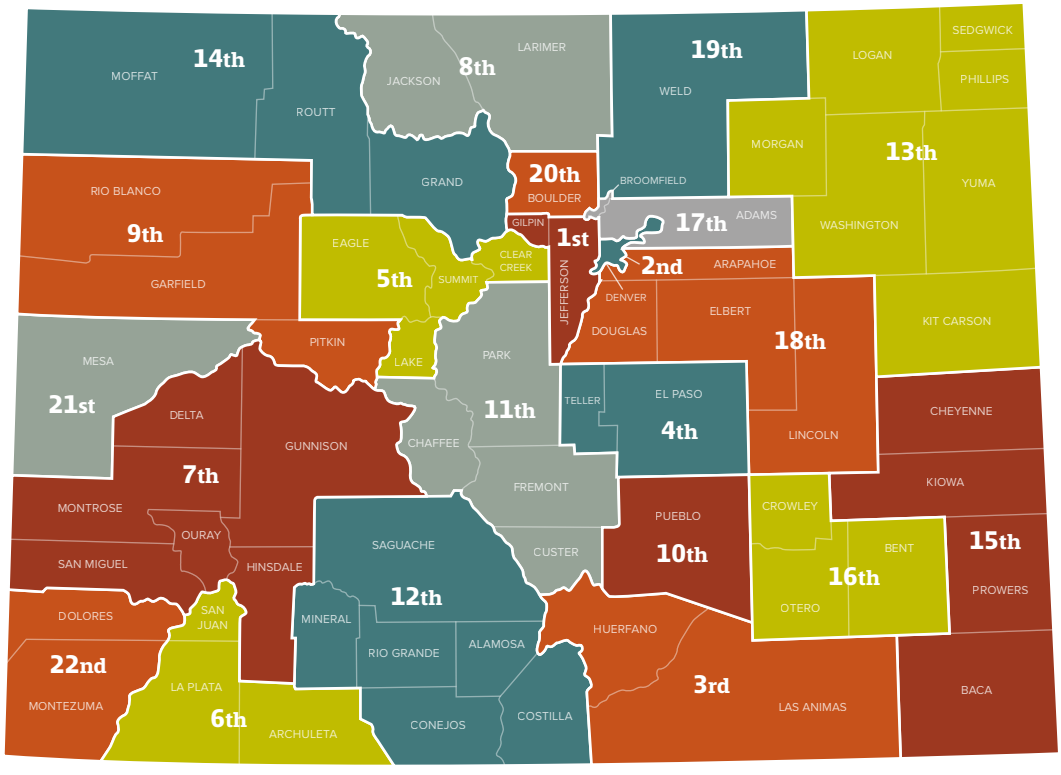
District courts

There are 22 judicial districts in Colorado encompassing 64 counties. Some districts include just one county, while others include as many as seven.

Within each judicial district there is at least one district court location. The chief judge, who is appointed by the Supreme Court Chief Justice, serves as the chief judicial officer for the district.

It is the role of the district court judge to oversee felony criminal matters, civil claims in any amount, juvenile matters (including adoption, dependency and neglect matters, juvenile delinquency, and paternity actions), probate, mental health, divorce proceedings,

Figure 3.9. **Judicial Districts of Colorado, 2020**



and water cases. Additionally, district judges preside over jury trials, handle appeals from Colorado's municipal and county courts, and review decisions of administrative boards and agencies. District court decisions may be appealed to the Colorado Court of Appeals and to the Colorado Supreme Court.

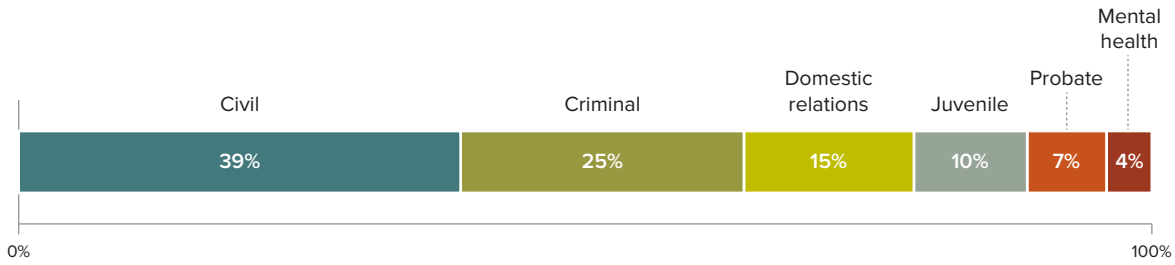
- District court filing cases in FY 2019 were as follows: civil, 39 percent; criminal, 25 percent; domestic relations, 15 percent; juvenile, 10 percent; probate, 7 percent; and mental health, 4 percent.
- There were 224,014 district case filings in FY 2019, 5 percent less than seen 10 years ago. The greatest area of increase has been with criminal cases.
- Colorado's district courts terminated 220,935 cases during FY 2019.

Table 3.2. **Colorado district court caseloads FY 2010-FY 2019**

Case class	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Civil										
New cases filed	116,346	125,597	169,055	108,634	96,325	101,112	88,277	80,632	96,176	87,295
Cases terminated	117,836	126,804	169,186	111,606	97,728	101,355	88,758	80,917	95,618	87,015
Criminal										
New cases filed	36,993	35,966	35,551	37,888	37,966	40,903	46,004	51,775	54,479	56,292
Cases terminated	37,905	36,324	34,957	37,293	37,615	39,343	42,730	47,998	51,258	54,573
Domestic relations										
New cases filed	35,624	36,009	35,434	34,630	34,907	34,841	34,966	35,057	34,357	33,610
Cases terminated	34,965	35,748	35,683	34,593	35,067	34,352	34,877	34,799	34,348	33,807
Juvenile										
New cases filed	30,360	29,958	28,731	27,296	24,600	24,681	24,324	23,339	23,120	22,847
Cases terminated	29,855	29,326	26,462	26,951	23,866	23,274	22,518	21,722	22,072	21,620
Mental health										
New cases filed	5,159	5,543	6,064	6,480	7,072	7,326	7,689	7,947	7,933	7,779
Cases terminated	5,127	5,483	5,744	6,531	7,072	7,408	7,731	7,905	7,994	7,804
Probate										
New cases filed	12,189	13,655	14,042	15,553	15,203	15,728	16,309	16,619	16,738	16,191
Cases terminated	12,777	14,067	17,387	15,578	15,387	15,718	16,151	16,699	16,751	16,116
Total										
New cases filed	**236,671**	**246,728**	**288,877**	**230,481**	**216,073**	**224,591**	**217,569**	**215,369**	**232,803**	**224,014**
Cases terminated	**238,465**	**247,752**	**289,419**	**232,552**	**216,735**	**221,450**	**212,765**	**210,040**	**228,041**	**220,935**

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

Figure 3.10. **Colorado district court filings, FY 2019**



Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

Table 3.3. **Colorado district court criminal filings by judicial district and county, FY 2019**

JD	Court location	N
1	Gilpin	307
	Jefferson	4,896
2	Denver	7,342
3	Huerfano	316
	Las Animas	306
4	El Paso	8,200
	Teller	338
5	Clear Creek	133
	Eagle	367
	Lake	72
	Summit	362
6	Archuleta	150
	La Plata	654
	San Juan	7
7	Delta	404
	Gunnison	119
	Hinsdale	2
	Montrose	613
	Ouray	24
	San Miguel	65
8	Jackson	21
	Larimer	3,223
9	Garfield	712
	Pitkin	122
	Rio Blanco	59
10	Pueblo	2,574
11	Chaffee	248
	Custer	62
	Fremont	724
	Park	93
12	Alamosa	400
	Conejos	178
	Costilla	93
	Mineral	11
	Rio Grande	194
	Saguache	70
13	Kit Carson	83
	Logan	581
	Morgan	357
	Phillips	32
	Sedgwick	24
	Washington	52
	Yuma	77
14	Grand	161
	Moffat	251
	Routt	180
15	Baca	30
	Cheyenne	18
	Kiowa	5
	Prowers	350
16	Bent	137
	Crowley	96
	Otero	361
17	Adams	5,246
	Broomfield	505
18	Arapahoe	4,004
	Douglas	1,304
	Elbert	105
	Lincoln	154
19	Weld	3,204
20	Boulder	2,559
21	Mesa	2,454
22	Dolores	14
	Montezuma	487
Total		**56,292**

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

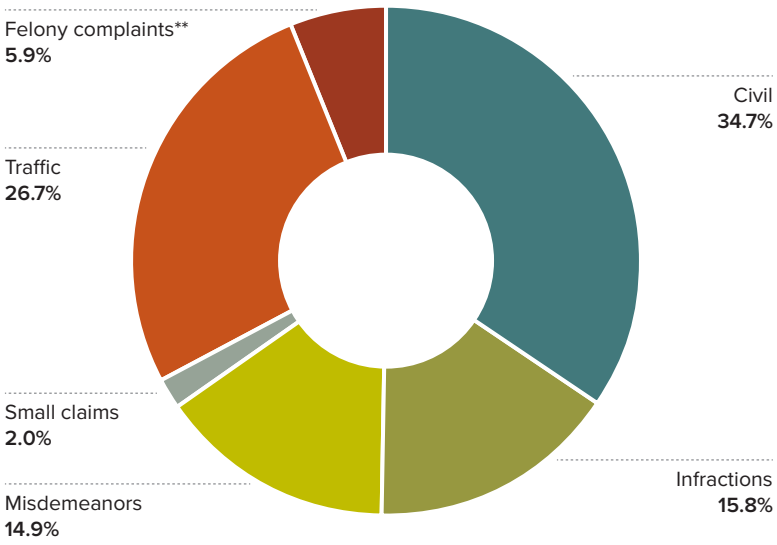
County courts

County courts serve the citizens of each of Colorado's 64 counties. Every county has a county court served by one or more judges. County court judges handle cases involving public safety issues such as misdemeanor cases, felony advisements, setting bonds, and preliminary hearings. They also issue search warrants and protection orders in cases involving domestic violence, traffic cases, civil actions involving no more than $25,000, (increased from $15,000 on January 1, 2019), and jury trials. Appeals from the county court may be made to the district court.

Another division within county court is small claims. Within small claims, individuals are allowed to argue their own cases and to have speedy decisions on civil matters involving no more than $7,500. These court sessions are held during the day or evening to accommodate the public. There are no jury trials, and sometimes magistrates hear these cases rather than a judge.

- In FY 2019, Colorado county courts had 412,806 cases filed. County court filings decreased by a little over a quarter (0.26) percent from the previous fiscal year.
- Over a third (35 percent) of the county court filings were for civil cases.
- Colorado's county courts terminated 384,563 cases during FY 2019.

Figure 3.11. **Colorado county court filings, FY 2019 (Does not include Denver County Court*)**



Notes: * Denver County Court is not part of the statewide court data system managed by the Colorado Judicial Branch. ** Felony complaints represent the number of criminal cases, docketed as (CR), that begin in county court. The processing of felony cases varies between locations. The counties processing CR cases hear advisements. Some counties do preliminary hearings in county court before moving the case to district court for completion of the felony process. The case can also be reduced to a misdemeanor and remain in county court. The cases retain the same docket number in either county or district court.

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

Table 3.4. **Colorado county court caseloads FY 2010-FY 2019 (Does not include Denver County Court*)**

Case class	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19
Civil										
New cases filed	206,954	200,250	193,282	174,466	158,525	144,868	138,631	140,462	143,591	142,877
Cases terminated	205,545	199,308	192,635	174,554	132,170	144,018	137,744	138,286	142,319	142,038
Infractions										
New cases filed	95,557	84,610	75,464	67,581	69,515	70,375	69,782	66,561	65,344	65,572
Cases terminated	95,786	87,072	76,228	68,033	67,854	71,664	70,107	66,823	65,996	65,343
Misdemeanors										
New cases filed	69,695	67,137	70,068	62,740	60,585	62,131	60,682	61,298	62,589	61,951
Cases terminated	69,232	68,187	67,482	65,310	57,193	59,852	59,799	59,396	60,748	60,108
Small claims										
New cases filed	11,097	9,629	9,117	8,171	7,589	7,404	7,309	7,118	6,990	6,655
Cases terminated	11,010	9,707	9,244	8,357	6,710	7,245	7,266	6,896	6,713	6,935
Traffic										
New cases filed	141,493	126,788	121,112	115,465	117,389	124,922	118,215	115,370	113,865	112,733
Cases terminated	146,373	135,046	124,842	115,706	114,112	114,989	116,252	114,885	113,648	110,139
Felony complaints**	16,795	16,851	15,328	17,832	16,794	16,247	18,095	19,546	21,515	23,018
Total										
New cases filed	**541,591**	**505,265**	**484,371**	**446,255**	**430,397**	**425,947**	**412,714**	**410,355**	**413,894**	**412,806**
Cases terminated***	**527,946**	**499,320**	**470,431**	**431,960**	**378,039**	**397,768**	**391,168**	**386,286**	**389,424**	**384,563**

Notes:

* Denver County Court is not part of the statewide court data system managed by the Colorado Judicial Branch.

** Felony complaints represent the number of criminal cases, docketed as (CR), that begin in county court. The processing of felony cases varies between locations. The counties processing CR cases hear advisements. Some counties do preliminary hearings in county court before moving the case to district court for completion of the felony process. The case can also be reduced to a misdemeanor and remain in county court. The cases retain the same docket number in either county or district court.

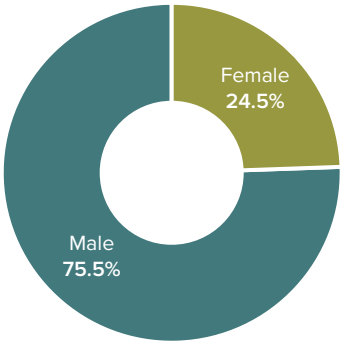
*** Does not include felony complaints.

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

Who is prosecuted?

Once an arrest is made and the case is referred to the district attorney, a determination is made regarding whether the case merits prosecution in district court. If so, a case filing is initiated. The information below represents 52,937 Colorado criminal cases closed in 2019.

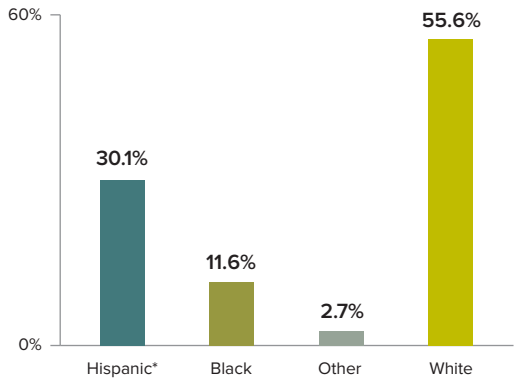
Figure 3.12. **Gender: Colorado criminal cases closed in 2019 (N=52,840)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- Three quarters of the adults tried Colorado district courts in 2019 were male.

Figure 3.13. **Race: Colorado criminal cases closed in 2019 (N=52,937)**

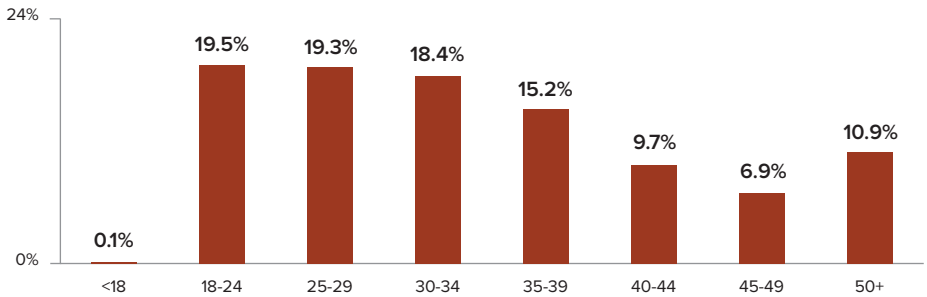


Note: * As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- The majority of adults tried in district court in 2019 were White (56 percent). Hispanic individuals comprised the second largest ethnic group (at 30 percent), while Blacks made up 12 percent of cases closed in 2019.

Figure 3.14. **Age group: Colorado criminal cases closed in 2019 (N=52,903)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

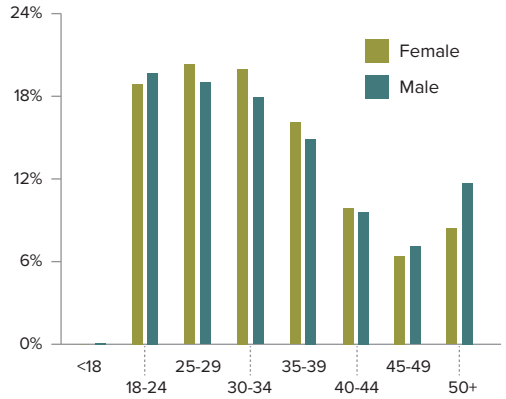
Table 3.5. **Average age and gender: Colorado criminal cases closed in 2019 (N=52,828)**

Gender	Average Age	Median	N
Females	33.7	32	12,930
Males	34.5	33	39,898

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- In 2019, the average age of adults tried in district court was 34. Almost 40 percent of these adults were between the ages of 18 and 29.
- A very small number of individuals under the age of 18 were prosecuted in the criminal (adult) court in Colorado.
- Female defendants tended to be slightly younger than male defendants.

Figure 3.15. **Age group and gender: Colorado district court criminal cases closed in 2019 (N=52,829)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

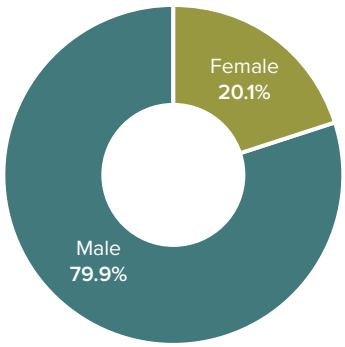
Case processing time for criminal cases

On average, only four days elapsed between the time of arrest and a criminal case filing. Cases in which violent crimes were charged took slightly longer to process than those with only non-violent charges, averaging 8.2 months between filing and sentencing as opposed to 6.6 months. Overall, it took an average of 7.0 months from the time of filing a case to reach a sentence.

Who is found guilty?

Once a prosecution has been initiated in court, it will be disposed of by a dismissal, a deferred judgment or a conviction. A conviction may be the result of a guilty plea or a guilty finding by the judge or a jury. The information presented below represents adults who were either convicted or received a deferred judgment in a Colorado district court during 2019.

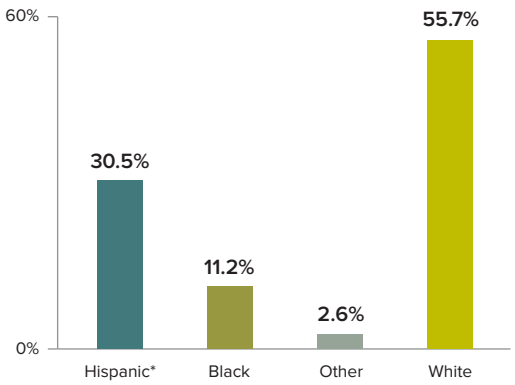
Figure 3.16. **Gender, Colorado criminal case convictions in 2019 (N=42,623)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- The majority of adults convicted in 2019 in Colorado were men (80 percent).

Figure 3.17. **Race and ethnicity: Colorado criminal case convictions in 2019 (N=42,623)**

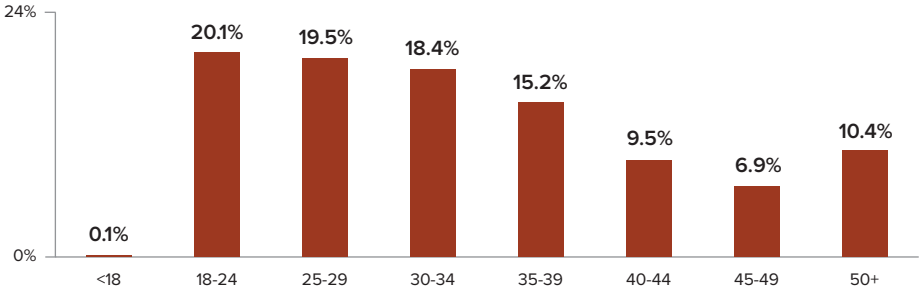


Note: * As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- The majority of adults convicted were White (56 percent), while Hispanics comprised the second largest ethnic group of adults convicted (31 percent). Blacks made up 11 percent of adults convicted.

Figure 3.18. **Age: Colorado criminal case convictions in 2019 (N=42,606)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Were they convicted as charged?

The table on the next page depicts the outcomes of cases closed with a conviction or a deferred judgment in 2019. Outcomes are displayed according to the most serious crime category that an individual was originally charged with, and whether or not that offender was convicted of that charge or a different charge. For example, of the 553 convicted individuals originally tried for homicide in 2019, 50 percent were convicted of homicide. Another 42 percent were convicted of a different violent crime, and 8 percent were convicted of a non-violent crime. Table 3.7 displays the same information, for men and for women separately.

- The violent charges examined include homicide, sexual assault, aggravated assault and robbery. Non-violent charges include burglary, theft, motor vehicle theft, forgery and fraud, and drug offenses.
- As can be seen, it is common for parties to be convicted of a different crime category from the one they were originally charged with, particularly in the case of violent charges. Only 56 percent of cases in 2019 resulted in a conviction of the original charge.
- Seventy percent of convictions in cases with non-violent charges were for the original charge.
- Of the violent crimes, felony assault charges were most likely to result in an assault conviction (54 percent of cases).
- Of those with only non-violent charges, those who were charged with a drug crime were most likely to be convicted as charged (85 percent).
- Of the violent cases, those charged with homicide, robbery, and sexual assault were equally likely (at 50 percent) to be convicted as charged. Those charged with robbery were least likely to be convicted of a different violent offense (22 percent) and most likely to be convicted of a non-violent offense (28 percent).
- Of the non-violent cases, those charged with burglary were least likely to be convicted as charged (36 percent). However, they are most likely to actually be convicted of a violent crime (11 percent).
- Overall, men and women were equally likely to be convicted as charged. However, in cases involving violent charges, women are less likely to be convicted as charged than are men (50 percent versus 57 percent).

Table 3.6. **Colorado criminal convictions in 2019: Filing and conviction charges**

Original most serious charge	Convicted as charged	Other violent crime conviction	Other non-violent crime conviction	Total percentage	Total N
Violent charges					
Homicide	50.1%	42.1%	7.8%	100.0%	553
Robbery	49.7%	22.4%	27.8%	100.0%	784
Sex assault	50.8%	43.1%	6.1%	100.0%	659
Felony assault	54.0%	36.1%	10.0%	100.0%	6,535
All violent crimes*	**55.9%**	**32.3%**	**11.8%**	**100.0%**	**10,375**
Non-violent charges					
Burglary	35.9%	10.8%	53.3%	100.0%	3,062
Theft	75.4%	1.3%	23.3%	100.0%	1,648
Motor vehicle theft	77.8%	1.8%	20.4%	100.0%	2,161
Forgery/fraud	59.1%	1.3%	39.5%	100.0%	3,956
Drugs	84.8%	2.8%	12.4%	100.0%	11,739
All non-violent**	**70.2%**	**4.4%**	**25.4%**	**100.0%**	**32,071**
Violent and non-violent charges					
All charges	**66.7%**	**11.2%**	**22.0%**	**100.0%**	**42,446**

Notes: * In addition to the violent crimes listed, all violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. ** In addition to the non-violent crimes listed, all non-violent crimes include extortion, trespass, other property crimes, escape, bribery, custody violations, and miscellaneous other crimes.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Table 3.7. **Colorado criminal convictions in 2019: Filing and conviction charges by gender**

	Original most serious charge	Convicted as charged	Other violent crime conviction	Other non-violent crime conviction	Total percentage	Total N
WOMEN	**Violent charges**					
	Homicide	45.9%	50.0%	4.1%	100.0%	74
	Robbery	43.7%	19.3%	37.0%	100.0%	135
	Sex assault	40.0%	35.0%	25.0%	100.0%	20
	Felony assault	47.3%	41.5%	11.2%	100.0%	1,141
	All violent crimes*	**49.7%**	**35.8%**	**14.6%**	**100.0%**	**1,572**
	Non-violent charges					
	Burglary	28.5%	9.0%	62.5%	100.0%	586
	Theft	73.7%	1.0%	25.3%	100.0%	617
	Motor vehicle theft	74.0%	1.2%	24.7%	100.0%	570
	Forgery/fraud	60.0%	0.9%	39.1%	100.0%	1,503
	Drugs	87.9%	1.7%	10.4%	100.0%	3,380
	All non-violent**	**69.8%**	**3.0%**	**27.2%**	**100.0%**	**8,914**
	Violent and non-violent charges					
	All charges	**66.8%**	**7.9%**	**25.3%**	**100.0%**	**10,486**
MEN	**Violent charges**					
	Homicide	50.7%	40.9%	8.4%	100.0%	479
	Robbery	51.0%	23.1%	25.9%	100.0%	649
	Sex assault	51.2%	43.3%	5.5%	100.0%	639
	Felony assault	55.4%	34.9%	9.7%	100.0%	5,393
	All violent crimes*	**57.0%**	**31.7%**	**11.3%**	**100.0%**	**8,800**
	Non-violent charges					
	Burglary	37.6%	11.3%	51.2%	100.0%	2,471
	Theft	76.4%	1.6%	22.1%	100.0%	1,028
	Motor vehicle theft	79.2%	2.0%	18.8%	100.0%	1,590
	Forgery/fraud	58.5%	1.6%	39.8%	100.0%	2,443
	Drugs	83.5%	3.3%	13.2%	100.0%	8,340
	All non-violent**	**70.4%**	**5.0%**	**24.6%**	**100.0%**	**23,109**
	Violent and non-violent charges					
	All charges	**66.7%**	**12.3%**	**20.9%**	**100.0%**	**31,909**

Notes: * In addition to the violent crimes listed, all violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. ** In addition to the non-violent crimes listed, all non-violent crimes include extortion, trespass, other property crimes, escape, bribery, custody violations, and miscellaneous other crimes.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Where do they go once convicted?

Table 3.8 displays sentences received according to conviction crime for adult convictions in 2019. The "other" category includes sentencing options such as community service, fines and restitution payments. The YOS category refers to the Youthful Offender System, a prison sentencing option for certain juveniles and young adults (see sidebar). Work release is included in the "jail" category.

- The majority of homicide cases closed in 2019 received a DOC sentence (86 percent). Just over one-third of sexual assault cases (35 percent) went to DOC.
- With the exception of those charged with homicide and robbery, most parties convicted in 2019 received a probation sentence, which may or may not have included some jail time. Overall, 62% of cases resulted in probation.

Table 3.8. **Adult placements by conviction crime for Colorado criminal cases closed in 2019 (N=42,262)**

	Probation*	Jail	Comm Corr	YOS	DOC	Other	Total	Total N
Violent charges								
Homicide	6.0%	0.3%	3.3%	4.3%	85.7%		100.0%	299
Robbery	35.2%		8.6%	5.3%	50.7%	0.2%	100.0%	475
Sex assault	60.4%	1.2%	2.5%		35.0%	0.9%	100.0%	432
Felony assault	64.8%	0.6%	6.1%	0.4%	28.0%	0.1%	100.0%	4,191
All violent crimes**	**65.0%**	**8.4%**	**4.1%**	**0.5%**	**21.2%**	**0.8%**	**100.0%**	**10,524**
Non-violent charges								
Burglary	60.1%	8.2%	11.4%	0.0%	19.3%	1.1%	100.0%	2,711
Theft	70.4%	12.0%	4.5%		10.4%	2.6%	100.0%	1,610
Motor vehicle theft	55.8%	13.8%	9.4%	0.0%	19.5%	1.5%	100.0%	2,114
Forgery/fraud	60.9%	14.0%	7.2%		15.2%	2.6%	100.0%	3,894
Drugs	68.6%	13.1%	4.7%	0.0%	10.5%	3.2%	100.0%	11,363
All non-violent***	**61.5%**	**12.3%**	**6.7%**	**0.0%**	**16.9%**	**2.6%**	**100.0%**	**31,737**
All charges	**62.4%**	**11.3%**	**6.1%**	**0.1%**	**17.9%**	**2.2%**	**100.0%**	**42,261**
Total N	26,360	4,777	2,562	59	7,583	920		42,261

Notes: * Includes deferred adjudications and sentences. ** In addition to listed crimes, includes kidnapping, simple assault, other sex crimes and weapons offenses. *** In addition to the listed crimes, includes arson, custody violations, other property crimes, traffic, failure to register, and miscellaneous crimes.

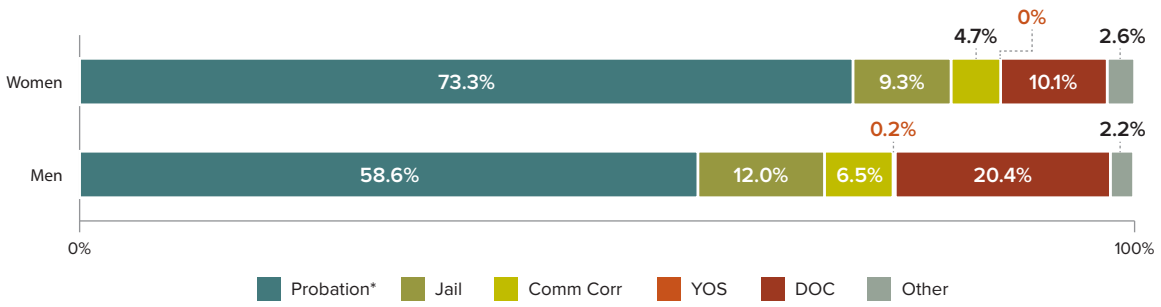
Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Who goes where?

The following figure and table display demographic information on individuals convicted and sentenced in Colorado in 2019.

- Women are far more likely to be sentenced to probation than are men, with 73 percent of women compared to 59 percent of men receiving such a sentence.
- Overall, approximately one in five individuals (18 percent) convicted of a crime in district court received a prison sentence in 2019. Men were sentenced to prison twice as often than were women.
- Black individuals represent the racial group most likely to receive a prison sentence, at 22 percent. White individuals, on the other hand, are the most likely to receive a sentence to probation. A more in-depth discussion regarding race/ethnicity and sentencing disparities can be found in Section Six.
- Those sentenced to probation tend to be younger than those sentenced to prison. This likely reflects the offender's criminal history: younger people have had less time to accumulate this history than have older individuals.

Figure 3.19. **Gender and placement: Colorado criminal cases closed in 2019 (N=42,437)**



Note: * Includes deferred adjudications and sentences.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Table 3.9. **Race/ethnicity and placement: Colorado criminal cases closed in 2019 (N=42,437)**

	Probation*	Jail	Comm Corr	YOS	DOC	Other	Total	Total N
Black	59.2%	11.7%	5.2%	0.4%	21.8%	1.6%	100.0%	4,737
Hispanic**	60.5%	11.3%	6.4%	0.2%	19.3%	2.2%	100.0%	12,944
Other	63.3%	10.6%	4.3%	0.1%	17.4%	4.4%	100.0%	1,089
White	63.7%	11.4%	6.1%	0.1%	16.3%	2.5%	100.0%	23,667
Total	**62.2%**	**11.4%**	**6.0%**	**0.1%**	**17.9%**	**2.4%**	**100.0%**	**42,437**

Notes: * Includes deferred adjudications and sentences. ** As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Colorado correctional figures

Table 3.10. **Colorado year-end correctional populations, 2009-2019**

	Probation*	Comm Corr	YOS	DOC	Parole
12/31/2019	74,281	4,327	224	19,714	11,531
12/31/2018	73,603	4,241	214	20,200	11,154
12/31/2017	73,668	3,878	213	19,792	10,589
12/31/2016	72,669	3,594	210	19,825	10,540
12/31/2015	70,872	3,602	232	20,014	10,269
12/31/2014	69,852	3,856	233	20,645	10,067
12/31/2013	70,532	3,920	242	20,303	10,846
12/31/2012	69,385	4,088	274	20,379	11,458
12/31/2011	67,859	4,160	271	21,887	10,775
12/31/2010	67,519	4,318	274	22,623	11,014
12/31/2009	68,225	4,195	232	22,661	11,655

Note: * Probation districts have not verified the numbers reported in this table.

Source: Colorado Judicial Branch, Division of Probation Services. Division of Criminal Justice, Office of Community Corrections. Department of Corrections.

- In Colorado, approximately 31,500 people were under the jurisdiction of the Colorado Department of Corrections on December 31, 2019.
- At the end of 2019, 37 percent of the DOC population was on parole.
- At year-end 2019, over 4,300 individuals were serving time in the state's community corrections system of 34 residential, community-based halfway houses.

Probation in Colorado

The Colorado Judicial Branch is responsible for administering adult and juvenile probation to the state's 22 judicial districts. In FY 2019 there were 23 probation departments with over 50 separate probation offices throughout the state.

District court probation officers work within a range of regular and intensive probation programs in which they offer educational programs and refer probationers to treatment and skill-building programs.

Regular (non-specialized) probation programs supervise offenders with less serious criminal records, while the more intensive specialized pro grams have been designed to address the risk and needs of more serious offenders. Specialized probation programs include Adult Intensive Supervision Probation (CCIP/ LSIP), Juvenile Intensive Supervision (JISP), the Female Offender Program (FOP), and Sex Offender Intensive Supervision for adults (SOISP).

Table 3.11. **Outcomes: Adult probation in Colorado, FY 2019**

	State adult regular		Adult intensive supervision (LSIP)*		Adult intensive supervision (CCIP)*		Sex offender intensive supervision (SOISP)**	
	N	%	N	%	N	%	N	%
New clients sentenced								
FY 2019	41,608	81.2%	754	1.5%	418	0.8%	345	0.7%
Caseload								
Active as of June 30, 2019	60,543	77.5%	829	1.1%	360		1,347	1.7%
Terminations								
Succesful	17,675	60.8%	62	26.3%	4	17.4%	91	46.2%
Unsuccessful-Revoked	6,954	23.9%	127	53.8%	14	60.9%	85	43.1%
Unsuccessful-Absconded	4,426	15.2%	47	19.9%	5	21.7%	21	10.7%
Total	**29,055**	**100%**	**236**	**100%**	**23**	**100.0%**	**197**	**100%**
Types of revocation* **								
New felony	1,191	17.1%	31	24.4%	1	7.1%	11	12.9%
New misdemeanor	1,049	15.1%	20	15.7%	3	21.4%	2	2.4%
Technical	4,714	67.8%	76	59.8%	10	71.4%	72	84.7%
Total	**6,954**	**100%**	**127**	**100%**	**14**	**100.0%**	**85**	**100%**

Length of stay		
0-12 months	13,076	40.0%
13-24 months	12,560	38.4%
25-36 months	4,249	13.0%
37+ months	2,786	8.5%
Total	**32,671**	**100%**

Table continued next page.

Notes: * The AISP has been split into two distinct programs. The LSIP targets the higher risk/ lower needs probationers without substance dependence and mental health issues. The CCIP program was implemented in FY 2019 and targets higher risk/higher needs probationers who have significant disruptions due to substance abuse, mental health issues, and stability factors. ** Approximately half of the SOISP probationers are serving indeterminate sentences (minimum of 10 years). Therefore, it is important to consider terminations within the context of the active SOISP caseload. Many more probationers are being successfully (1,347) supervised on SOISP than are terminating (197) as reflected in the table above. *** New felony: Included revocations for a new felony offense committed while on probation; New misdemeanor: Includes revocations for a new misdemeanor offense while committed on probation; Technical: Includes revocations for technical probation supervision violations (i.e. drug use, non-compliance).

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado. Available at https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep.

Table 3.11. **Outcomes: Adult probation in Colorado, FY 2019** *(continued from previous page)*

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	Female offender program (FOP)		Private probation		State monitored DUI/DWAI		Total	
	N	%	N	%	N	%	N	%
New clients sentenced								
FY 2019	212	0.4%	5,895	11.5%	2,009	3.9%	51,241	100%
Caseload								
Active as of June 30, 2019	273	0.3%	11,252	14.4%	3,534	4.5%	78,138	100%
Terminations								
Succesful	23	18.9%	5,511	85.6%	1,557	86.6%	24,923	66%
Unsuccessful-Revoked	75	61.5%	494	7.7%	39	2.2%	7,788	21%
Unsuccessful-Absconded	24	19.7%	436	6.8%	202	11.2%	5,161	14%
Total	**122**	**100%**	**6,441**	**100%**	**1,798**	**100%**	**37,872**	**100%**
Types of revocation* **								
New felony	18	24.0%	32	6.5%	2	5.1%	1,286	17%
New misdemeanor	8	10.7%	54	10.9%	9	23.1%	1,145	15%
Technical	49	65.3%	408	82.6%	28	71.8%	5,357	69%
Total	**75**	**100%**	**494**	**100%**	**39**	**100%**	**7,788**	**100%**
Length of stay								
0-12 months			2,971	45.8%	936	51.4%		
13-24 months			2,999	46.2%	659	36.2%		
25-36 months			413	6.4%	226	12.4%		
37+ months			105	1.6%				
Total			**6,488**	**100%**	**1,821**	**100%**		

Note: *** New felony: Included revocations for a new felony offense committed while on probation; New misdemeanor: Includes revocations for a new misdemeanor offense while committed on probation; Technical: Includes revocations for technical probation supervision violations (i.e. drug use, non-compliance).

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado. Available at https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep.

Intensive specialized programs

LS-Adult Intensive Supervision Probation (LSIP)

The Adult Intensive Supervision Probation program that was implemented in 1982 was modified and renamed in 2013. The LSIP targets the higher risk/lower needs individuals without substance dependence and mental health issues.

CC-Adult Intensive Supervision Probation (CCIP)

The CCIP program was developed in 2019 and targets higher risk/higher needs individuals with substance abuse and mental health issues.

A probationer may be enrolled in this program after the initial assessments are completed or when a reassessment indicates the probationer's risk of re-offense has increased, and the probationer meets the acceptance criteria of the intensive program.

Female Offender Program (FOP)

The Female Offender Program was initially a grant funded pilot project developed in FY 1991 to intervene in the lives of high risk, substance abusing female offenders. Based on the positive results from the pilot program, in 1995 the General Assembly provided state funding to 10 judicial districts. The program is designed to deliver intensive gender responsive case management to include frequent contact, skill building, employment or vocational/educational, drug testing, home visits, electronic monitoring, and participation in treatment, as needed. The number of women assigned to each FOP officer is capped at 30.

Sex Offender Intensive Supervision Probation (SOISP)

This program is designed to provide the highest level of supervision to adult sex offenders who are placed on probation. In FY 1998, this program was initially created in statute for lifetime supervision cases. However, a statutory change made in FY 2001 mandated SOISP for all felony sex offenders convicted on or after July 1, 2001.

SOISP consists of three phases, each with specific criteria that must be met prior to a reduction in the level of supervision. The program design includes a capped caseload of 25 offenders, for a program capacity of 1,150.

Other probation programs

Private probation

In FY 1996 the Colorado Division of Probation Services initiated the use of private probation for the supervision of adult clients. Private probation agencies currently supervise low-risk offenders, allowing state probation officers to focus their supervision efforts on more time-consuming higher-risk offenders.

State monitored DUI/DWAI offenders

In FY 2007, the Alcohol and Drug Driving Safety (ADDS) Program was fully integrated within each probation department. This program conducts alcohol/drug evaluations and makes treatment recommendations for offenders convicted of driving under the influence of, or impaired by, drugs or alcohol.

Community corrections

Colorado's community corrections system consists of specific halfway house facilities that provide residential and non-residential services to convicted clients. At the time of publication of this report, Colorado had more than 30 halfway houses. These programs provide an intermediate sanction at the front end of the system between probation and prison, and reintegration services at the end of the system between prison and parole. Community corrections placements allow individuals access to community resources, including treatment and employment opportunities, while living in a staff secure correctional setting.[2] These facilities, often referred to as programs, receive state funds but are based and operated in local communities.

Individuals can be referred to community corrections by the sentencing judge or by officials at the Department of Corrections (DOC). The judicial placement is considered a diversion from prison, and these cases are called "diversion clients." The DOC placement of offenders in halfway houses serves as a method of transitioning prisoners back into the community and these cases are referred to as "transition clients." Diversion clients are responsible to the probation department while transition clients are under the jurisdiction of the DOC's Division of Adult Parole and Community Corrections. Both diversion and transition clients are housed together and participate in programming together. While the two types of clients are subject to a few differences in policies from their "host agency," they are required to abide by the same sets of house rules and are subject to similar consequences when rules are broken.

Per statute, each jurisdiction has a community corrections board, appointed by the county commissioners, to screen offender referrals and to oversee the operation of the facilities. Board members typically consist of both criminal justice professionals and citizens. In some locales, county governments operate their own community corrections facilities; in others, the local boards contract with private corporations that own and operate the programs. Regardless of the source of the referral, each case is individually reviewed and approved for placement in the local halfway house. Cases not approved by the board are returned to the judge or to DOC for alternative placement. Programs also have the authority to refuse placement.

Individuals in community corrections are expected to pay for much of their treatment in the community. In addition, they are expected to pay $17 per day for room and board, plus make other efforts to pay court costs, restitution, child support and other fines and fees.

A total of 5,774 individuals (2,979 diversion and 2,437 transition) were terminated from Colorado residential community correction programs in FY 2020. The following describes these individuals:

- The majority of individuals in community corrections during FY 2020 successfully completed their placement.
- Transition clients were more likely to be successful than diversion clients (71 percent compared to 60 percent respectively).
- On average, transition clients were about three years older than diversion clients (age 39 compared to age 36, respectively), a fact that likely contributes to the higher success rate among this group.
- Over half (54 percent) of residential community clients were White, 30 percent were Hispanic, 12 percent were Black and four percent were in the Other category. Black individuals were more likely in transition programs (16 percent) compared to diversion programs (9 percent).
- The majority of clients were male (81 percent), single (59 percent), had a high school diploma or a GED (60 percent). Most (78 percent) were unemployed at entry to the program.

[2] While the facilities are non-secure, each provides 24-hour staffing. Those serving a sentence must sign out and in as they leave and return to the facility, and staff monitor the location of off-site individuals by field visits and telephone calls. Several facilities use electronic monitoring and a few programs use geographic satellite surveillance to track people when they are away from the halfway house.

Table 3.12. **Program termination status over time: FY2009-FY 2020**

	Successful Completion	Technical Violation	Escape	New Crime	N
Diversion programs					
2009	62%	25%	12%	1%	2,530
2010	54%	31%	14%	1%	2,316
2011	51%	32%	15%	1%	2,244
2012	53%	30%	15%	2%	2,051
2013	51%	29%	17%	2%	2,350
2014	49%	31%	18%	2%	2,494
2015	51%	29%	19%	2%	2,414
2016	49%	29%	20%	3%	2,335
2017	51%	26%	20%	2%	2,459
2018	51%	27%	19%	3%	2,629
2019	54%	26%	18%	2%	2,761
2020	60%	20%	18%	2%	2,979
Transition programs					
2009	65%	23%	10%	1%	2,692
2010	62%	25%	12%	1%	2,684
2011	61%	25%	12%	1%	2,573
2012	63%	24%	11%	2%	2,766
2013	62%	24%	12%	2%	2,667
2014	58%	26%	13%	2%	2,290
2015	58%	25%	15%	1%	2,282
2016	61%	23%	15%	2%	2,109
2017	59%	24%	14%	2%	1,928
2018	59%	23%	16%	2%	2,020
2019	64%	21%	14%	1%	2,274
2020	71%	15%	13%	1%	2,437
Condition of parole					
2009	75%	17%	8%	0%	178
2010	69%	17%	12%	1%	153
2011	63%	22%	15%	1%	224
2012	56%	32%	9%	2%	243
2013	55%	32%	11%	1%	359
2014	64%	25%	10%	1%	379
2015	63%	27%	9%	1%	467
2016	64%	18%	15%	3%	400
2017	61%	24%	13%	2%	479
2018	56%	24%	19%	2%	506
2019	63%	23%	14%	0%	425
2020	65%	16%	19%	1%	358

Source: Community Corrections Information Billing System, Office of Community Corrections, Division of Criminal Justice.

- Drug crimes were the most common for all community corrections clients (24 percent for diversion clients and 17 percent for transition clients). Burglary, criminal trespass represented 13 percent of crimes committed by diversion clients whereas assault or menacing crimes were the second more predominant crimes for transition clients, at 17 percent.

- At intake, over half (55 percent) of all community corrections clients were classified as high-risk on the Level of Supervision Inventory (LSI).[3] As expected, these clients were least likely to succeed in the program and more likely to recidivate after termination. Many of these high-risk individuals were reclassified to a lower risk level, as only a third were still considered high-risk after 6 months in the program.

- Successful diversion clients remained in the program for approximately 8.5 months, while successful transition clients had a slightly shorter stay at 7.3 months.

More in-depth analysis of program success rates and recidivism for clients discharged from community corrections programs was published in the 2018 report *Community Corrections in Colorado: Program Outcomes and Recidivism, Terminations January 2014-December 2016*.[4] The following bullets describe some of findings from this study:

- Older clients were more likely to succeed in the program, and less likely to recidivate. Of those over age 35, 67 percent succeeded, compared to 48 percent of those age 35 and under. Only 23 percent of those under age 21 completed the program successfully. Similarly, older clients had lower recidivism rates. Those age 35 and older had recidivism rates of 18 percent within one year of discharge, and 31 percent within two years. In comparison, 24 percent of those under age 35 recidivated within one year, and 32 percent recidivated within two years.

- Both White clients and those of Asian/Pacific Islander descent were the most likely to succeed in the program, at 55 percent and 62 percent respectively. Black clients were the least likely to be successful in residential community corrections, with just under half (49 percent) being successfully terminated. However, Hispanic clients were the most likely to recidivate. One- and two-year recidivism rates for non-Hispanic clients were 20 percent and 35 percent, respectively. In comparison, recidivism rates for Hispanic clients were 24 percent at one year and 42 percent at two years.

- Women succeeded only slightly more often than men (56 percent compared to 55 percent). However, women demonstrated significantly lower recidivism rates, at 15 percent within one year and 30 percent within two years. Men, in comparison, demonstrated one- and two-year recidivated at rates of 23 percent and 39 percent, respectively.

- Clients who had previously been married both succeeded more often and recidivated less often than either single or currently married clients. Divorced, widowed or separated clients were successfully terminated more often and had lower recidivism rates than those who were currently married or those who had never been married. Two-thirds (62 percent) of these previously married clients successfully completed the program, compared to 54 percent for both single and married clients. Previously married individuals recidivated at rates of 18 percent within one year and 31 percent within two years, compared to 22 percent and 39 percent within one year and two years (respectively) for all other clients.

- Education was directly correlated with successful termination. Similarly, because employment is a condition of retention in most programs, employment has consistently been found to be linked to program success in community corrections.

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[3] The Level of Supervision Inventory is a 54-item assessment tool that identifies individual needs for services. The higher the score, the greater the need for services.

[4] Harrison, L. (2018). *Community Corrections in Colorado: Program Outcomes and Recidivism- Terminations January 2014-December 2016*. Denver, CO: Colorado Division of Criminal Justice, Office or Research and Statistics. Available at https://cdpsdocs.state.co.us/ors/docs/reports/2018_Comcor-Rpt-R.pdf

- Both diversion and transition clients had high needs for services, as measured by the LSI. Note that considerable variation exists in successful completion rates across programs, in part because different programs manage individuals with differing levels of risk and of service needs.
- Higher levels of risk at both intake and after six months in the program were clearly associated with unsuccessful discharge and recidivism rates. Of those assessed with low levels of risk at intake, 74 percent were successfully terminated, compared to 49 percent of high-risk clients. Recidivism rates for low-risk clients were 8 percent after one year and 18 percent after two years, compared to 24 percent at one year and 42 percent at two years for high-risk clients.

Specialized programs

RDDT: Residential Dual Diagnosis Treatment

Residential Dual Diagnosis Treatment (RDDT) serves individuals presenting with co-occurring severe substance use and mental health disorders with a history of felony criminal conduct. RDDT focuses on drug and alcohol abstinence, improved mental health and desistance from continued criminal conduct.

IRT: Intensive Residential Treatment

Intensive Residential Treatment (IRT) is a 90-day evidence-based program designed to treat high risk, high needs individuals with severe substance use issues and a history of felony criminal conduct. IRT provides brief, intense treatment addressing substance use, anti-social thinking, attitudes, and cognitions.

TC: Therapeutic Communities

Therapeutic Communities (TCs) offer long-term, intensive treatment for individuals with chronic substance use disorders, related anti-social behaviors and co-occurring mental health disorders. The TC model is based on ”community as method” or mutual self-help where all individuals within the TC assume responsibility for not only their own recovery, but that of their peers, and hold each other responsible for making meaningful change.

SOSTCC: Sex Offender Supervision and Treatment in Community Corrections

Sex Offender Supervision and Treatment in Community Corrections (SOSTCC) programming is designed to serve individuals with felony sex offenses who are under the jurisdiction of community corrections programs. SOSTCC provides treatment and monitoring for eligible individuals in hopes of successful transition to the community after the completion of residential intervention. Programming must follow the Sex Offender Management Board of Colorado (SOMB) Standards and Guidelines for clinical treatment, monitoring and supervision.

Source: Office of Community Corrections, Division of Criminal Justice.

Colorado's Department of Corrections

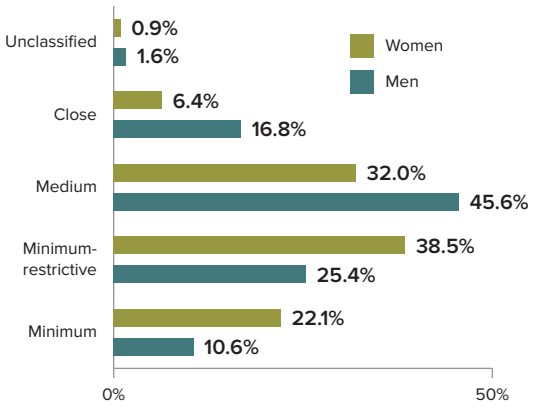
Prison system

The mission of the Colorado Department of Corrections (DOC) is to manage convicted persons in the controlled environments of prisons, community-based facilities and parole programs and provide work and self-improvement opportunities to assist offenders in community reintegration.

In FY 2019, 31,708 individuals (19,951 inmates, 220 in the Youthful Offender System, and 11,537 under parole supervision) were under the jurisdiction of the DOC. This was a two percent increase from the prior year.

When an adult is sentenced to the Department of Corrections, the first stop is the Denver Reception and Diagnostic Center (DRDC). Here the person will undergo a complete evaluation of medical, dental, mental health, and personal needs, along with academic and vocational testing, and custody level recommendation. This occurs prior to placement at one of the Department's permanent prison facilities.

Figure 3.20. **Prisoner custody classifications, June 30, 2019**



Note: These prison custody classifications do not include offenders at YOS.

Source: Colorado Department of Corrections. *Colorado Department of Corrections monthly population and capacity report as of June 30, 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Security levels

Level I: Designated boundaries, but not necessarily perimeter fencing. Inmates classified as minimum may be incarcerated in level I facilities.

Level II: Designated boundaries include a single or double perimeter fence, and the perimeter is patrolled periodically. Inmates classified as minimum restrictive and minimum may be incarcerated in level II facilities.

Level III: Include towers, a wall or double perimeter fencing with razor wire, and detention devices. The perimeter of the facility is continuously patrolled. Inmates classified at medium or lower classifications may be incarcerated at level III facilities.

Level IV: Include towers, a wall or double perimeter fencing with razor wire, and detention devices. The perimeter is continuously patrolled and inmates classified as close and lower classification levels may be incarcerated at level IV facilities. Inmates of higher classification can be housed at level IV facilities but not on a long-term basis.

Level V: Include towers or stun-lethal fencing and controlled sally ports, double perimeter fencing with razor wire and detection devices or equivalent security architecture. These facilities represent the highest security level and are capable of accommodating all classification levels.

Source: Colorado Department of Corrections. (2019). *Statistical report: FY 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Table 3.13. **Colorado Department of Corrections facilities**

Public facilities	Security level	Location
Arrowhead Correctional Center (ACC)	II	Canon City
Arkansas Valley Correctional Facility (AVCF)	III	Crowley
Buena Vista Correctional Complex (BVCC)	III	Buena Vista
Colorado Correctional Center (CCC)	I	Golden
Centennial Correctional Facility (CCF)	V	Canon City
Colorado State Penitentiary (CSP)	V	Canon City
Colorado Territorial Correctional Facility (CTCF)	III	Canon City
Delta Correctional Center (DCC)	I	Delta
Denver Reception & Diagnostic Center (DRDC)	V	Denver
Denver Women's Correctional Facility (DWCF)	V	Denver
Fremont Correctional Facility (FCF)	III	Canon City
Four Mile Correctional Facility (FMCC)	II	Canon City
Limon Correctional Facility (LCF)	IV	Limon
La Vista Correctional Facility (LVCF)	III	Pueblo
Rifle Correctional Facility (RCF)	I	Rifle
Skyline Correctional Center (SCC)	I	Canon City
San Carlos Correctional Facility (SCCF)	V	Pueblo
Sterling Correctional Facility (SCF)	V	Sterling
Trinidad Correctional Facility (TCF)	II	Trinidad
Youthful Offender System (YOS)	III	Pueblo

Private prisons	Security level	Location
Bent County Correctional Facility (BCCF)	III	Las Animas
Cheyenne Mountain Re-entry Center (CMRC)	III	Colorado Springs
Crowley County Correctional Facility (CCCF)	III	Olney Springs

Source: Colorado Department of Corrections (2019). Available at https://colorado.gov/pacific/cdoc/departmental-reports-and-statistics

There are currently 23 correctional facilities in Colorado. Twenty of these facilities are operated by the state, while an additional three are privately owned and under contract with the state. These facilities represent five different security levels and house offenders with a designated custody classification. There are five custody levels: minimum, minimum-restricted, medium, maximum or close. Custody levels are determined through the use of rating instruments.

Parole system

Parole is the supervision of offenders released from Colorado correctional facilities by the Colorado Parole Board or authorized under the Interstate Compact for the Supervision of Probationers and Parolees to reside in Colorado.

Mandatory vs. discretionary parole

Colorado statutes provide for both discretionary and mandatory parole periods. A mandatory parole release occurs when parole is granted on the latest possible release date under the person's sentence. Discretionary parole release occurs when the individual is released sometime between their parole eligibility date and their mandatory release date. Most inmates are eligible for discretionary parole once 50 percent of their sentence has been served, minus earned time. In general, including earned time, the earliest someone is eligible for release is after serving 37.5 percent of their sentence. Certain violent crimes require that 75 percent of the sentence be served, minus earned time.

Table 3.14. **Prison releases to parole, FY 2019**

	Men	Women	Total
Discretionary	3,529	762	4,291
Mandatory	2,875	515	3,390
Mandatory reparole	769	119	888
Total parole releases	**7,173**	**1,396**	**8,569**

Notes: Discretionary parole: Released to parole through Parole Board discretion prior to mandatory release or sentence discharge date. Mandatory parole: Released to parole on mandatory release date. Mandatory reparole: Reparoled on specific date set by Parole Board (includes S.B. 252 reparoles).

Source: Colorado Department of Corrections. *Colorado Department of Corrections monthly population and capacity report as of June 30, 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Parole Board

The decision to release an inmate to parole is made by an independent nine-member board appointed by the Governor and confirmed by the Colorado Senate. Each board member works independently to decide if parole will be denied or granted as well as to determine conditions of parole. Decisions must be reviewed and signed by a second board member. Common conditions of parole include the requirements that an individual must maintain an approved residence and attend treatment programs.

Parole violations

In the event that a parolee violates the conditions of parole, the parolee is arrested and required to appear at an evidentiary hearing before the parole board or an administrative law judge (when the person is on interstate parole). The board or administrative law judge determines guilt or innocence regarding the alleged parole violation. If the person is found guilty, the board will impose sanctions (i.e. revoke parole, continue it in effect, or modify the conditions of parole).

Supervision

The Division of Adult Parole supervises offenders in four regions throughout the state (Denver, Northeast, Southeast, and Western). With the goal of reducing any further criminal behavior, parolees are provided assistance in the areas of employment counseling, mental health and substance abuse treatment referrals, residential planning, and life skills. Individuals are routinely monitored for alcohol and substance abuse with mandatory drug testing.

Parole officers meet with the parolees and may meet with their families, sponsors, treatment providers and employers to monitor compliance with parole conditions. In addition to regular parole, there is intensive supervision parole (ISP). ISP was established for the higher risk and higher needs individuals who present an increased risk to the community. Due to their increased risk, those on ISP undergo increased supervision, constant surveillance via the use of electronic monitoring, participate in a daily call-in system or a Global Positioning Satellite (GPS) system,

and weekly visits with their parole officers. As of June 30, 2019, the Division of Adult Parole supervised 11,537 parolees (including 367 from out of state), while another 1,480 are being supervised in other states via the interstate compact office.

Table 3.15. **Parole caseload, June 30, 2019**

Regular	8,159
ISP	1,193
Absconder	705
Total in-state	**10,057**
Out of state parolees	1,480
Total caseload	**11,537**

Source: Colorado Department of Corrections. *Colorado Department of Corrections monthly population and capacity report as of June 30, 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Incarceration rates

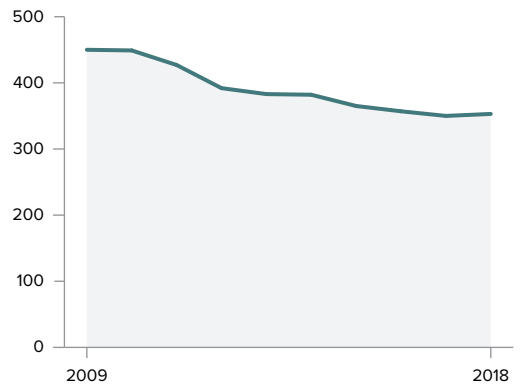
Table 3.16. **Prisoners under the jurisdiction of state or federal correctional authorities, year-end 2009, 2017 and 2018**

Region and jurisdiction	Number of prisoners			% change	
	2009	2017	2018	2009-2017	2017-2018
Northeast	177,361	150,113	145,206	-15.4%	-3.4%
Midwest	261,615	255,894	251,339	-2.2%	-1.8%
South	653,819	620,240	610,876	-5.1%	-1.5%
West	317,057	279,884	277,839	-11.7%	-0.7%
State total	**1,409,852**	**1,306,131**	**1,285,260**	**-7.4%**	**-1.6%**
Federal	**208,118**	**183,058**	**179,898**	**-12.0%**	**-1.8%**
U.S. total	**1,617,970**	**1,489,189**	**1,465,158**	**-8.0%**	**-1.6%**
Colorado	22,795	19,946	20,372	-12.5%	2.1%

Notes: Prison and jails form one integrated system. Data include total jail and prison populations.

Source: Paul Guerino, Paige M. Harrison, William J. Sabol, Ph.D., Bureau of Justice Statistics. *Prisoners in 2018*. Washington, D.C.: Bureau of Justice Statistics, U.S. Department of Justice. NCJ 21509. Report and data available at https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6846

Figure 3.21. **Colorado incarceration rates, FY 2009 to FY 2018**



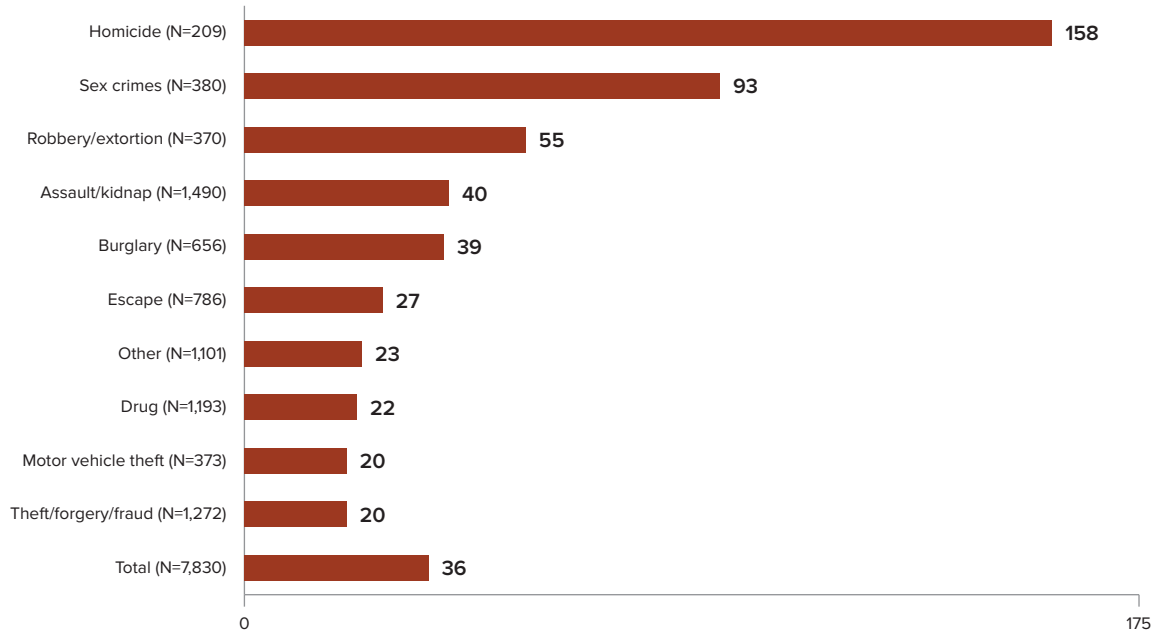
Notes: Incarceration rates are computed as the ratio of the average number of offenders incarcerated during a fiscal year per 100,000 Colorado residents. State population estimates are obtained from the Colorado State Demographers Office, Department of Local Affairs.

Source: Colorado Department of Corrections Annual Statistical Reports.

Incarceration rates refer to the number of individuals incarcerated in state or federal prisons or in local jails per 100,000 population. Since 2009, the Colorado incarceration rate decreased by more than 20 percent.

Average length of time in prison

Figure 3.22. **Average months spent in prison by most serious conviction crime category: FY 2019 releases (N=7,830)**



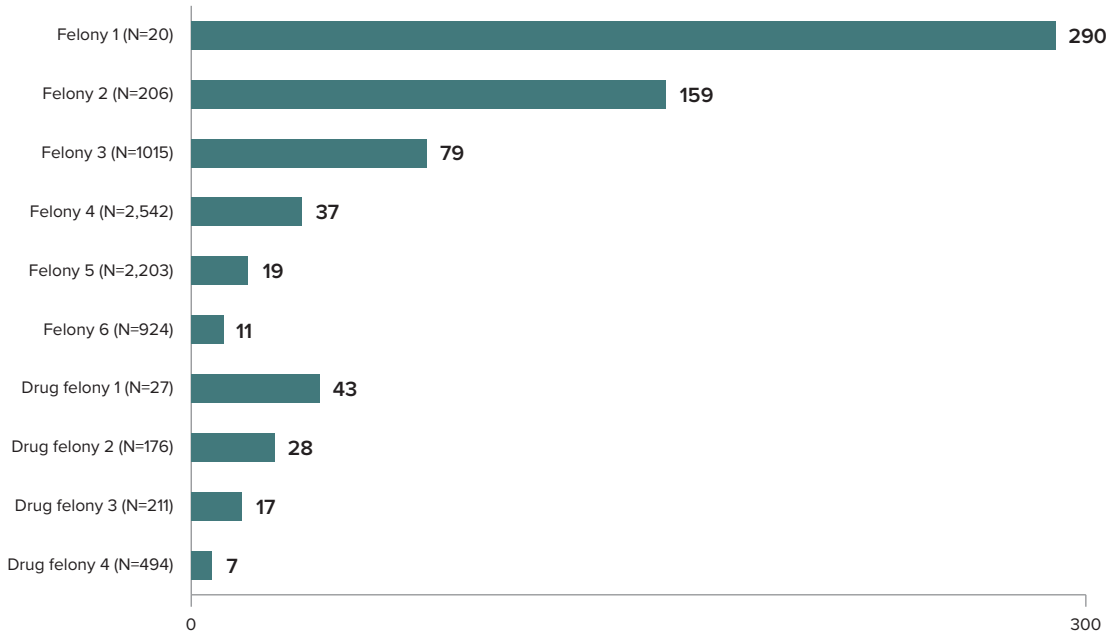
Source: Data provided by Office of Planning and Analysis, Colorado Department of Corrections. (2019). Analysis by Colorado Division of Criminal Justice, Office of Research and Statistics.

- There were 17,935 men and 2,016 women—totaling 19,951 people—incarcerated at the end of FY 2019. This number excludes 220 youth in DOC's Youthful Offender System.[5]
- At the end of FY 2019, there were 1,071 individuals serving life sentences. Seventy-three percent (785) of these were without the possibility of parole. Over half (61 percent) of those serving life sentences were convicted of sex crimes and incarcerated with indeterminate sentences, which could be as long as a life sentence.[6]
- Average length of stay increases with the severity of the conviction felony class.
- Ninety-five percent of the prison releases described in these tables were releases to parole.
- Individuals convicted of homicide had the longest period of incarceration, averaging 158 months. Those in the sex crimes categories had the second longest incarceration time, averaging 93 months.
- Those with robbery and extortion convictions spent an average of 55 months in prison, followed by individuals convicted of assault and burglary, who were incarcerated for an average of 40 and 39 months, respectively.

[5] Colorado Department of Corrections *Monthly Population and Capacity Report June 2019*. Available at https://www.colorado.gov/cdoc/departmental-reports-and-statistics.

[6] Colorado Department of Corrections Dashboard Measures. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Figure 3.23. **Average months spent in prison by most serious felony class: Individuals released in FY 2019 (N=7,830)**



Source: Data provided by Office of Planning and Analysis, Colorado Department of Corrections. (2019). Analysis by Colorado Division of Criminal Justice, Office of Research and Statistics.

- Those with motor vehicle theft and theft, forgery or fraud offenses had the shortest incarceration periods, averaging 20 months. Individuals with drug violations convictions had the next shortest average length of stay in prison, at 22 months.
- In FY 2019, there were 59 deaths in custody, five of which occurred in community corrections.[7]

For greater detail and a breakout of crimes included in each of these categories along with associated felony classes see Section 7.

[7] Colorado Department of Corrections. (2019). *Statistical report: FY 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Prison population trends and forecasts

The Colorado Division of Criminal Justice is mandated by the General Assembly to prepare population projections annually to provide a perspective of how the prison population is growing, and how many individuals will need to be accommodated in the future.

These projections are adjusted each summer based upon actual fiscal year-end prison population data. The DCJ projection model incorporates census data with other information concerning the age, gender, offense profiles of new prison commitments, length of stay in prison, and the profile of prisoners carried over from the previous year. In addition, other factors that may influence prison population growth such as arrest and conviction rates, new legislation, policy changes and court decisions are incorporated into the projection model.

The two factors that drive the population size are the numbers of admissions and the length of time they remain in prison.

The components driving the number of admissions include:

- Trends in criminal court filings
- Sentencing practices
- Trends in probation sentences and revocations
- Overall state demographics
- New legislation

The components driving the lengths of stay include:

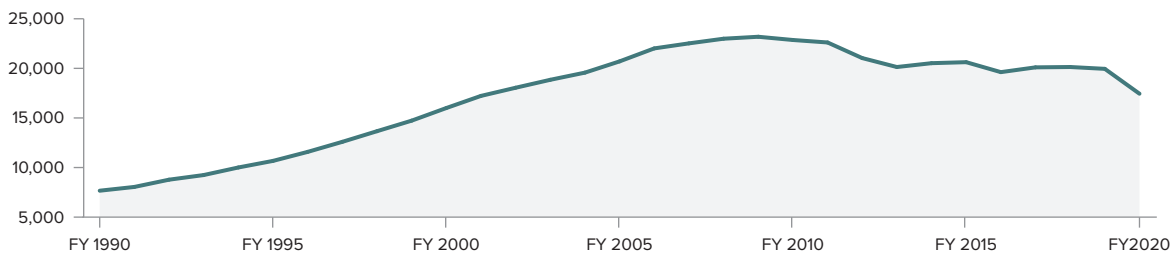
- Sentence lengths
- Release decisions
- New legislation

These items are continuously evolving, necessitating the development of prison population forecasts twice each year. Much of the legislation and many of the policy initiatives are implemented in response to the forecasts themselves, ensuring a continual change in the factors applied to the development of the forecasts each year.[8]

Trends in the Colorado prison population

As can be seen in Figure 3.24, the Colorado prison population experienced continuous growth for decades. Prison admissions exceeded releases throughout the years between 1980 and 2009, resulting in continuous growth in the prison population. In early FY 2010, this pattern reversed. New commitments to prison began to decline, leading to a reduction in the prison population across FY 2012 and 2013. This decline is in part due to the slower growth in the overall Colorado population at that time and decreases in crime rates and felony court filings. But the main impact rested with the passage of legislation that shortened lengths of stay in prison and diverted many new admissions to prison.[9]

Figure 3.24. **Colorado inmate population, FY 1990 to FY 2020**



Source: Colorado Department of Corrections. *Monthly Population and Capacity Reports*. Available at https://www.colorado.gov/cdoc/departmental-reports-and-statistics.

[8] The reports produced by the Division of Criminal Justice concerning the prison population forecasts can be found at: https://ors.colorado.gov/ors-ppp

[9] See House Bills 2009-1351, 2010-1374, 2010-1360, 2010-1338, 2010-1352, 2010-1413, 2010-1373.

However, releases began trending downward throughout FY 2013, while total admits began trending upward. By the end of FY 2013, admits again exceeded releases and the overall prison population began a renewed period of growth. This pattern continued into FY 2015.

Factors influencing this growth included accelerated growth in the Colorado population, increases in criminal filings, and increases in probation revocations. Additionally, admissions due to technical violations of parole increased dramatically in FY 2014, resulting in a 14 percent increase across the year. At the same time, overall releases from prison were declining, in particular discretionary parole releases which fell by 15 percent during FY 2014 and by 18 percent in FY 2015.

In FY 2016, the population fell again, primarily due to decreasing numbers of technical parole violations which, in turn, was due to legislation passed in 2015 and policy shifts within the Division of Parole.[10]

Because prison admissions due to technical parole violations tend to remain in prison for very short periods of time, the impact of these initiatives were short-lived. Growth returned in the following year, intensified by new legislation creating new felony DUI and driving under revocation crimes.[11]

The prison population remained relatively stable across FY 2018 through mid-FY 2019. By mid-FY 2019 the population began to fall due to both an increase in discretionary releases and legislation previously passed that reduced the length of stay for many parole violators.[12]

Additional significant legislation was passed in 2019, driving down prison admissions for both new commitments and parole returns throughout FY 2019 and FY 2020. Several existing drug possession felonies were reclassified to misdemeanors, which is expected to divert between 179 and 295 new commitments per year.[13,14] Also, the circumstances under which a parolee could be revoked for a technical parole violation were severely limited.[15] At the same time, releases were also increasing in the wake of legislation which resulted in increases in discretionary parole releases,[16] and there were changes in the composition and leadership of the Parole Board.

This slow decline continued into the first half of FY 2020. However, in the final quarter of FY 2020, the population fell by 10 percent, the largest single-quarter decline observed to date. This event was overwhelmingly due to the response of the criminal justice system to the COVID-19 pandemic. Governor Jared Polis issued Executive Orders suspending certain regulatory statutes concerning criminal justice for the purpose of reducing the prison population and the parole caseload. The chief justice of the Colorado Supreme Court ordered the suspension of certain court operations, and suspended all jury calls in state courts with limited exceptions.

The halting of court operations resulted in a 34 percent decline in prison admissions due to new court commitments between the ends of March and May. While prison admissions were plummeting, releases were concurrently climbing sharply. The parole board responded to the need to create prison capacity adequate to isolate and distance inmates to reduce the spread of COVID-19 in the prisons. These efforts resulted in an increase of discretionary parole releases of 121 percent in April 2020 alone. As this publication goes to press, the population rests at the lowest number seen in the past 20 years.

Population momentum

While the population has experienced a dramatic decline, a return to growth is expected in the future. Many measures serve to drive the population down, but factors which can be relied upon to provide continual upward pressure on the population include the following:

[10] See Senate Bill. 2015-124.

[11] See House Bill 2015-1043.

[12] See House Bill 2017-1326.

[13] Department of Corrections Fiscal Impact Analysis, March 28, 2019; Colorado Legislative Council Staff (2019). *HB 19-1263 Revised Fiscal Note*.

[14] See House Bill 2019-1263.

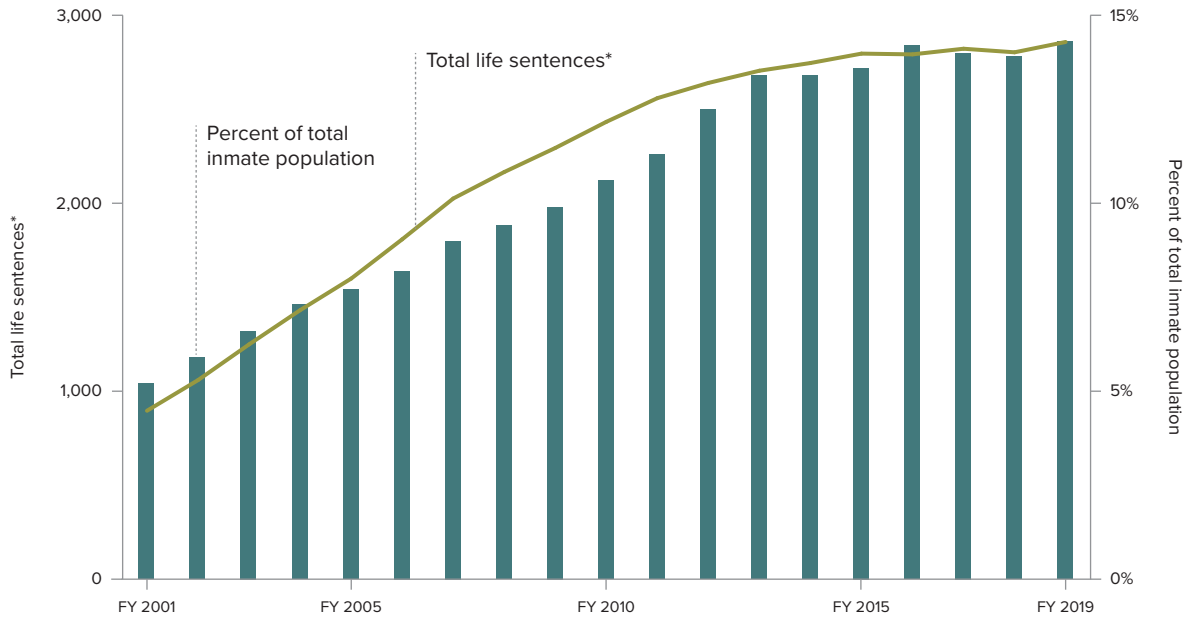
[15] See Senate Bill 2019-143.

[16] Ibid.

- **Colorado demographics**. Demographic trends influence numbers of new court commitments. The very strong growth observed in the Colorado population is expected to continue into upcoming years, especially among those in the 24- to 44-year old age range, the demographic most likely to be sentenced to prison.[17]
- **Life sentences**. Life sentences will continually exert upward pressure on the overall population. The number of sentences to life without parole is small, but is very consistent at approximately 30 per year. However, even fewer (less than 10) are removed from the population per year. This discrepancy has resulted in a 113 percent increase in the population of such individuals in 15 years, from 360 in FY 2005 to FY 767 in 2019.
- **Lifetime Supervision Act of 1998**. Individuals convicted of sex crimes and sentenced under the Lifetime Supervision Act of 1998 have also contributed to the upward trend of the prison population and will continue to do so into the future. These individuals receive indeterminate prison sentences, ranging between one year and life. The number of these individuals in prison grew to 1,787 by the end of FY 2019, comprising 9% of the prison population. While the growth of this group has slowed, the number is unlikely to diminish.

Thus, without continual interventions reducing admissions and shortening lengths of stay, growth in the size of the prison population can be expected.

Figure 3.25. **Individuals serving life sentences and proportion of total inmate population: FY 2001 to FY 2019**



Note: * includes determinate and indeterminate life sentences.

Source: Colorado Department of Corrections, *Dashboard Measures*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics.

[17] Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/apps/demographic_dashboard/

Offenses eligible for life sentences include class one felonies of first degree murder and first degree kidnapping, and offenses with special habitual sentence enhancers. As well, certain offenses carry indeterminate sentences with a maximum sentence of life.

Life without parole eligibility
(CRS 17-22.5-104)

- Class one felonies committed on or after September 20th, 1991, are sentenced to life in prison without parole eligibility.

Life with parole eligibility
(CRS 17-22.5-104)

- Parole eligibility after 40 years includes class one felonies committed on or after July 1, 1985, or convicted as an adult following direct filing on or after July 1, 2006, and certain habitual enhancements.
- Parole eligibility after 20 years includes class one felonies and habitual enhancements committed on or after July 1, 1977, but before July 1, 1985.
- Parole eligibility after 10 years includes class one felonies and habitual enhancements committed before July 1, 1977.

Indeterminate sentences

- Lifetime Supervision applies to those who committed sex crimes on or after November 1, 1998, with a minimum sentence in the presumptive range (CRS 18-1.3-1001).
- One day to life Colorado Sex Offenders Act includes individuals sentenced under CRS 18-1.3-904 to a minimum sentence of one day.

4

Juveniles in the juvenile justice system

It is unclear exactly how many juveniles come to the attention of law enforcement. Many times police departments handle juvenile misbehavior informally, particularly with younger children. However, as misbehavior becomes more frequent or more serious, the cases become more likely to be formally processed through the system.

The juvenile system is more complex than the adult system. Social services, family court, foster care systems, and other entities often play a role in juvenile justice system cases. The first few pages of this section describe the "flow" of cases through the juvenile justice system.

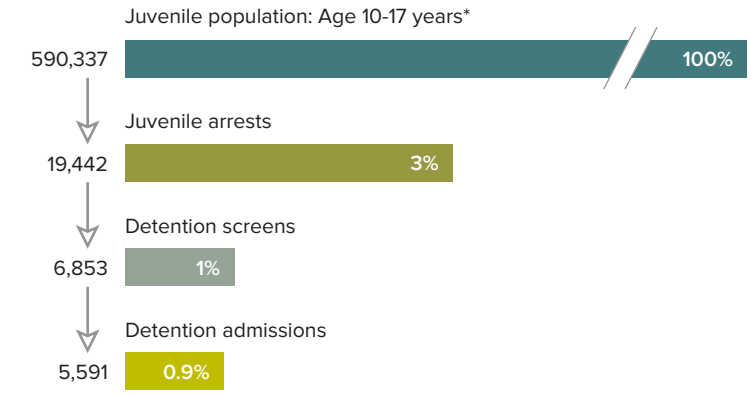
Research has found that youths at risk of delinquent behavior are likely to have few positive role models, have delinquent friends, be unsupervised after school, have problems at school, and have few life (home and school) successes. Forty years of research on conduct disorder has identified many of the risk factors associated with problem behavior, but solutions require a coordinated response from multiple systems (health, social services, and community-based programs).

This section seeks to answer the following:

- What kinds of crimes do youth commit?
- Who are the youth in Colorado that get arrested and have cases filed in court?
- Who gets prosecuted, and who gets convicted? Once convicted, what happens then?

Juvenile justice filtering process

Figure 4.1. **Juvenile justice filtering process to detention, FY 2018**



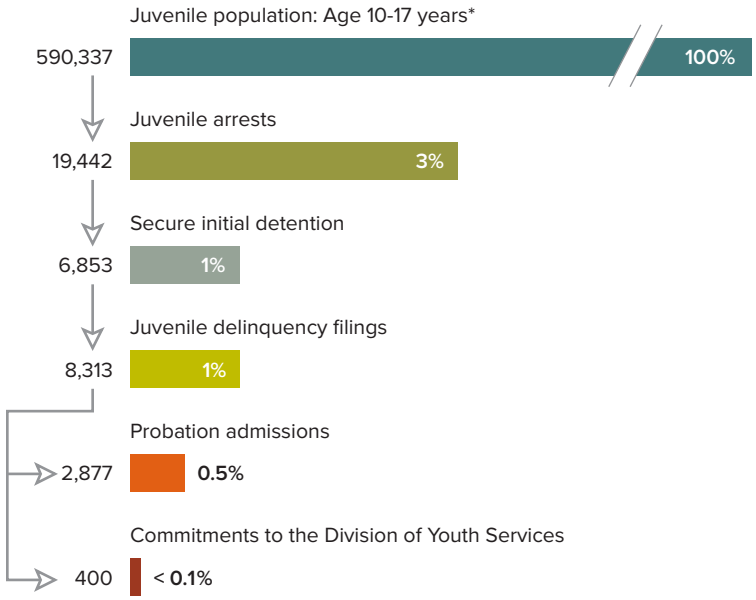
Sources:

Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/

Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx

Detention data: Division of Youth Corrections (2018). *Fiscal Year 2017-2018 Management Reference Manual*. Denver, CO: Colorado Department of Human Services. Available at https://www.colorado.gov/pacific/cdhs/publications-reports

Figure 4.2. **Juvenile justice filtering process to commitment, FY 2018**



Sources:

Population data: Colorado Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/

Colorado Bureau of Investigation; Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx

Detention and commitment data: Division of Youth Corrections (2018). *Fiscal Year 2017-2018 Management Reference Manual*. Denver, CO: Colorado Department of Human Services. Available at https://www.colorado.gov/pacific/cdhs/publications-reports

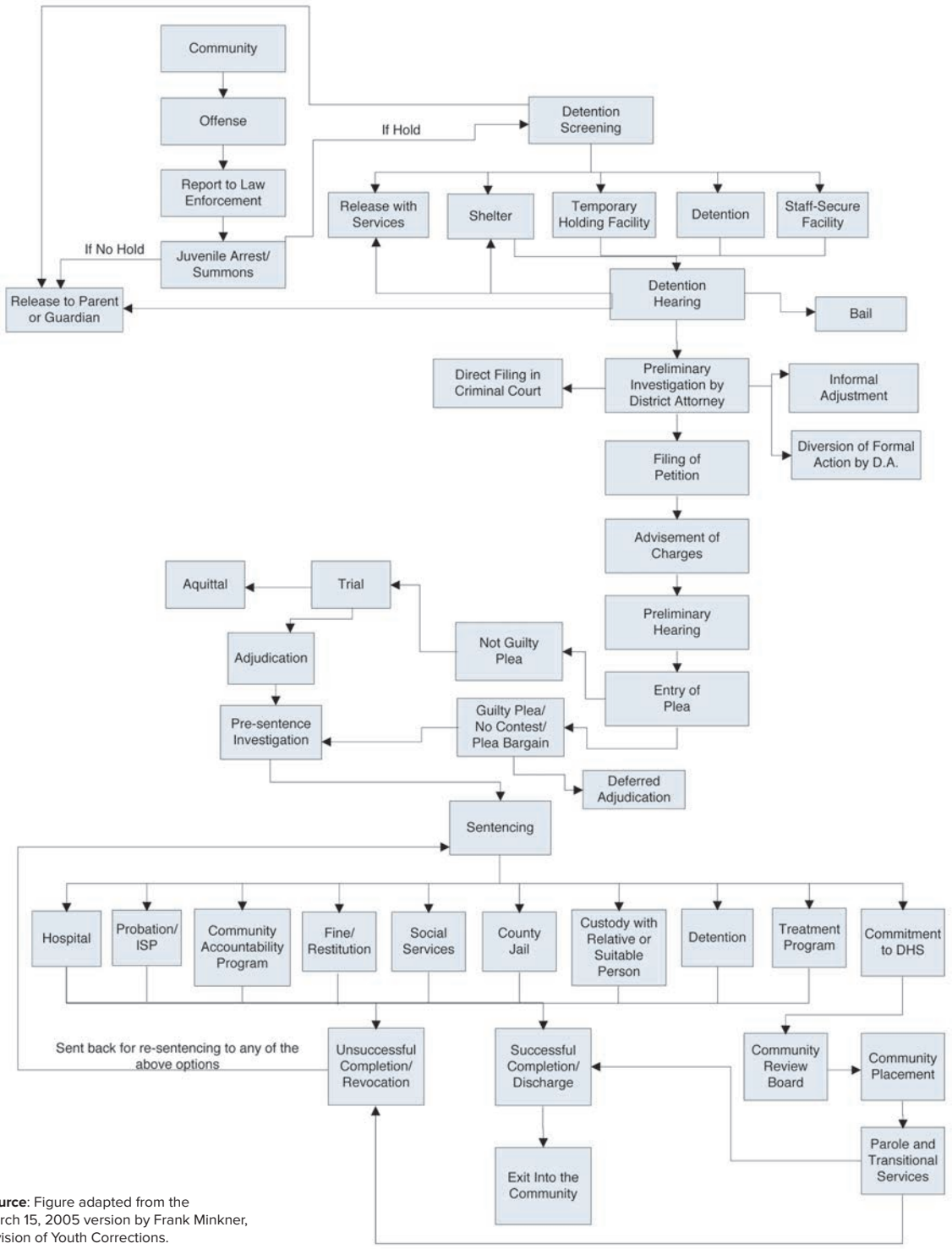
Filing and probation data: Colorado Judicial Branch. (2018). *Annual statistical report fiscal year 2018*. Denver, CO: Supreme Court of Colorado. Available at https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep

Conviction and deferral data: Data were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Notes: * Population data are reported for calendar year 2018. Population estimates are based upon the 2010 census.

Cases processed through Colorado's juvenile justice system

Figure 4.3. **Juvenile justice system flowchart**



Source: Figure adapted from the March 15, 2005 version by Frank Minkner, Division of Youth Corrections.

Overview of the juvenile justice system

The juvenile justice system comprises complex processes involving multiple agencies with different objectives and mandates. The community's response to juveniles with problem behaviors includes the youth's parents and often the school system and family court, and sometimes results in referral to a diversion program instead of filing formal charges.

The juvenile court system was created early in the 20th century based on the philosophy that children are inherently different from adults, and that the role of the state should be protecting and rehabilitating young offenders. Concerns about juvenile violence—despite actual reductions in violent crime by youth—have led to tougher juvenile crime legislation and a greater reliance on incarceration as a response to delinquency. Nevertheless, the juvenile justice system allows many opportunities to divert youth from further case processing.

Arrest
C.R.S. 19-2-502 and 19-2-503

Juveniles may be taken into temporary custody by law enforcement when a lawful warrant has been executed or without a court order if reasonable grounds exist to believe that a juvenile has committed a delinquent act.

Detention screening
C.R.S. 19-1-103(94.5), 19-2-212, 19-2-507(2), and Colorado Rules Juvenile Procedure #3.7

Detention screening provides the initial information to determine whether a juvenile should be held in detention. The screener uses a statewide detention screening and assessment tool, the Juvenile Detention Screening and Assessment Guide. The guide uses a decision tree format that is based on the identification of factors that contribute to a juvenile's risk of out-of-home placement and on criteria that matches youth needs with the most appropriate placements. Colorado uses a continuum of detention placements: release to a parent, guardian, or other legal custodian with services; electronic monitoring or tracking; or admission to a detention, temporary holding or shelter facility pending notification to the court and a detention hearing.

Release to parents or guardian
C.R.S. 19-2-507(3)

The juvenile may be released to the care of the juvenile's parents or responsible adult. The release of the juvenile may be made without restriction or upon a written promise that the juvenile will appear in court. Electronic monitoring or trackers may also be used to maintain supervision.

Release with services
C.R.S. 19-2-302

Juveniles who are released with pre-adjudication services may have conditions attached to their release like: periodic telephone communication and visits with the pre-adjudication service agency; home visits; drug testing; visits to the juvenile's school; undergoing treatment or counseling; electronic monitoring; participation in work release programs; or day reporting.

Shelter
C.R.S. 19-2-508(1)

A shelter provides temporary care of a juvenile in a physically unrestricted facility. Juveniles placed there are those whom the screener or court has determined must be removed from or are unable to return to their homes, but do not require physical restriction.

Temporary holding facility
C.R.S. 19-2-507(1)

This type of facility provides a holding area for juveniles from the time the juvenile is taken into custody until a detention hearing is held. This option is used if it has been determined that the juvenile requires a staff-secure or physically-secure setting.

Detention
C.R.S. 19-2-507

Detention is the temporary care of a juvenile in a physically restrictive facility. A juvenile may be held if the intake screener determines that the juvenile's immediate welfare or the protection of the community requires physical restriction. A juvenile may also be admitted to a detention facility if a law enforcement agency requests that the juvenile be detained because the alleged act would constitute a serious or violent felony if committed by an adult.

Staff-secure facility
C.R.S. 19-1-103(101.5)

A staff-secure facility is a group facility or home at which the juvenile is continuously under supervision and all services including education and treatment are provided. The doors to the outside in this type of facility may or may not be locked.

Detention hearing
C.R.S. 19-2-508

If an intake screener has assessed that a juvenile is to be detained after the arrest, the court must hold a detention hearing within 48 hours, excluding weekends or holidays, from the time the juvenile is taken into temporary custody. The hearing is held to determine whether the juvenile should be released or detained further. At the close of the detention hearing, one of the following orders would be issued: 1) Release to the custody of a parent or guardian without the posting of bail; 2) Placement in a shelter facility; 3) Release upon posting bail; 4) Detention; 5) Release to a pre-adjudication service program.

Bail
C.R.S. 19-2-509

Security, in the form of money or property, must be deposited with the court to insure the appearance of the juvenile at a specific future time and place. Juveniles may also be released on recognizance.

Preliminary investigation by the District Attorney
C.R.S. 19-2-510

The intake unit of the district attorney's office reviews law enforcement or probation officer referrals and decides whether to divert the case from formal filing, file charges in juvenile court, request an informal adjustment, or direct file to adult district court.

Informal adjustment
C.R.S. 19-2-703

A type of disposition used primarily for the first time offender, which does not involve a court hearing. If the juvenile admits the facts of the allegation (with parental consent), the child may be supervised for a period without being adjudicated.

Diversion
C.R.S. 19-2-303 and 19-2-704

An alternative to a petition being filed, the district attorney may agree to allow a juvenile to participate in a diversion program. If the juvenile successfully meets the contract conditions and does not re-offend during the contract period, charges are dropped.

Direct filing in criminal court
C.R.S. 19-2-517

Juveniles may be direct filed upon in adult district court if they are 16 years old and older and are alleged to have committed a class 1 or 2 felony or committed a crime of violence; used, possessed, or threatened to use a deadly weapon; committed vehicular assault or homicide; are considered to be a "habitual juvenile offender;" or are 16 years old or older and have been adjudicated a delinquent during the previous two years.

Filing a petition
C.R.S. 19-2-508(3)(V), 19-2-512 through 19-2-513

When a court orders further detention of the juvenile or placement in a pre-adjudication service program after a detention hearing, the district attorney shall file a petition alleging the juvenile to be a delinquent within 72 hours after the detention hearing, excluding weekends and holidays.

Advisement
C.R.S. 19-2-706

The advisement hearing is the first hearing after a petition has been filed. At this time, the court advises the juvenile and the responsible person of their constitutional and legal rights. The juvenile and his/her legal guardian may request counsel or the court may appoint counsel.

Transfer to district court

Motion to transfer to district court: C.R.S. 19-2-518

A transfer occurs when the juvenile court enters an order for the juvenile to be held for criminal proceedings in adult district court. This may occur if the juvenile is 12 or 13 years old at the time of the offense for which they committed a delinquent act that is a class 1 or 2 felony or a crime of violence (per C.R.S. 18-1.3-406) or 14 years old or older and committed a felony and it was determined after an investigation and hearing that it would be in the best interest of the juvenile or the public to transfer jurisdiction from juvenile to district court.

Investigation and hearing on transfer: C.R.S. 19-2-518

An investigation and hearing is conducted to determine if the juvenile committed a delinquent act that qualifies for a transfer or if it would be in the best interest of the juvenile or community to transfer jurisdiction from the juvenile court to district court.

Transfer to district court: C.R.S. 19-2-518(7)

If the juvenile court finds that its jurisdiction should be waived, they will enter an order to transfer the juvenile to adult district court.

Preliminary hearing
C.R.S. 19-2-705

The preliminary hearing is conducted to determine whether probable cause exists to believe that the delinquent act declared in the petition was committed. If the court determines that probable cause exists, the finding is recorded and an adjudicatory trial is scheduled. If probable cause does not exist, a delinquent petition is dismissed and the juvenile is discharged.

Entry of plea
C.R.S. 19-2-708

The defendant will enter one of the following pleas: a) guilty or b) not guilty.

- Plea of not guilty: Proceed to adjudicatory trial
- Plea of guilty: Proceed to sentencing

Deferred adjudication
C.R.S. 19-2-709

The juvenile has agreed with the district attorney to enter a plea of guilty, which waives the right to a speedy trial and sentencing. Upon accepting the guilty plea, the court may continue the case for a period not to exceed one year from the date of entry of the plea. The juvenile may be placed under the supervision of probation with additional conditions of supervision imposed. If the juvenile complies with all the conditions of supervision, their plea will be withdrawn and the case dismissed with prejudice. If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to sentencing.

Adjudicatory trial
C.R.S. 19-2-801 through 19-2-805

At the adjudicatory trial the court considers whether the allegations of the petition are supported by evidence beyond a reasonable doubt. Jury trials are granted by special request and only in cases where commitment to the Department of Human Services (DHS) is a sentencing option. If the juvenile is found not guilty, the court dismisses the petition and discharges the juvenile from any previous detention or restrictions. If the juvenile is found guilty, the court then proceeds to sentencing or directs that a separate sentencing hearing be scheduled within 45 days of the adjudicatory trial.

Pre-sentence investigation
C.R.S. 19-2-905

Pre-sentence investigations are required only for youth with felony adjudications, but can be requested with other adjudications. Pre-sentence reports may include details of the offense; victim

statements; amount of restitution requested; criminal, education, employment, and substance abuse history; description of family and peer relationships; programs available in the juvenile's judicial district; review of placement and commitment criteria; and disposition and treatment recommendations.

Sentencing
C.R.S. 19-2-907

The court may impose any or a combination of the following sentences as appropriate: commitment to DHS; county jail; detention; placement of custody with a relative or suitable person; probation; juvenile intensive supervision (JISP); the community accountability program; placement with social services or in a hospital; fines; restitution; or a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant to C.R.S. 19-2-919. If the sentence includes school attendance, a notice to the school is required.

Placement in a hospital
C.R.S. 19-2-916

The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or that he/she receive other special care and may place the juvenile in a hospital. A juvenile will not be placed in a mental health facility until the juvenile has received a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation. No order for a seventy-two hour treatment and evaluation shall be entered unless a hearing is held and evidence indicates that the prescreening report is inadequate, incomplete, or incorrect and that competent professional evidence is presented by a mental health professional that indicates that mental illness is present in the juvenile. Placement in any mental health facility shall continue for such time as ordered by the court or until the professional person in charge of the juvenile's treatment concludes that the treatment or placement is no longer appropriate.

Probation
C.R.S. 19-2-913, 19-2-925, and 19-2-926

When a juvenile is sentenced to probation, the court may impose additional conditions like: placing the juvenile in the intensive supervision program (JISP); participation in a supervised work program; or a sentence to the county jail for those juveniles eighteen years of age or older at the time of sentencing. The jail sentence should not exceed ninety days, except a sentence may be up to one hundred eighty days if the court orders the juvenile released for school attendance, job training, or employment.

Juvenile intensive supervision probation (JISP)
C.R.S. 19-2-306 and 19-2-307

A juvenile intensive supervision program is for juveniles who are sentenced to probation and present a high risk of future placement within juvenile correctional facilities according to assessment criteria. JISP will include increased supervision, community service, restitution, structured group training, use of electronic or global position monitoring, substance abuse testing, and treatment programs.

Community accountability program
C.R.S. 19-2-914

The court may sentence the juvenile to participate in the community accountability program. This sentence shall be a condition of probation and shall be for higher risk juveniles who would have otherwise been sentenced to detention or out-of-home placement or committed to the Department of Human Services. Also, this sentence shall be conditioned on the availability of space in the community accountability program and on a determination by the Division of Youth Services that the juvenile's participation in the program is appropriate. In the event that the Division of Youth Services determines the program is at maximum capacity or that a juvenile's participation is not appropriate, the juvenile shall be ordered to return to the sentencing court for another sentencing hearing.

Fines/Restitution

Fines: C.R.S. 19-2-917

The court may impose a fine of not more than three hundred dollars.

Restitution: C.R.S. 19-2-918

If the court finds that a juvenile who receives a deferred adjudication or who is adjudicated a juvenile delinquent has damaged or lost the personal property of a victim, or has caused personal injury to the victim as a result of the delinquent act, the court will require the juvenile to make restitution.

Placement with social services
C.R.S. 19-2-915

The court may place legal custody of the juvenile in the county Department of Social Services.

County jail
C.R.S. 19-2-910

The court may sentence a person who is eighteen years of age or older on the date of a sentencing hearing to the county jail for a period not to exceed six months or to a community correctional facility or program for a period not to exceed one year, which may be served consecutively or in intervals, if he or she is adjudicated a juvenile delinquent for an act committed prior to his or her eighteenth birthday.

Placement of custody with a relative or suitable person
C.R.S. 19-2-912

The court may place the juvenile in the legal custody of a relative or other suitable person. The court may impose additional conditions like placing the juvenile on probation or under other protective supervision.

Detention
C.R.S. 19-2-911

The court may sentence any juvenile adjudicated for an offense that would constitute a class 3, class 4, class 5, or class 6 felony or a misdemeanor if committed by an adult to detention for a period not to exceed forty-five days.

Treatment program
C.R.S. 19-2-918.5

Any juvenile who has been adjudicated for the commission of cruelty to animals, in which the underlining factual basis included knowing or intentional torture or torment of an animal which needlessly injures, mutilates, or kills an animal, may be ordered to complete an anger management treatment program or any other treatment program deemed appropriate by the court.

Commitment to the Colorado Department of Human Services
C.R.S. 19-2-909

The court may commit a juvenile to the Department of Human Services for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult; except if the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the Department of Human Services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

Community referral and review
C.R.S. 19-2-210

Prior to placement of a juvenile in a residential community placement, the juvenile community review board shall review the case file of the juvenile. A decision regarding residential community placement shall take into consideration the results of the objective risk assessment by the Department of Human Services, the needs of the juvenile, and the criteria established by the juvenile community review board based on the interests of the community.

Community placement

- ***Parole***
  C.R.S. 19-2-909(1)(b), 19-2-1002, et seq.

  The Juvenile Parole Board has the authority to grant, deny, defer, suspend, or revoke the parole of a juvenile. The Board is made up of nine part-time members who are appointed by the Governor and confirmed by the Senate. Members are chosen from the Department of Human Services, the Department of Public Safety, the Department of Education, and the Department of Labor and Employment. One member is a local elected official and four members are citizens. Juveniles committed to the Department of Human Services have a mandatory parole period of six months; however parole can be extended up to 15 months if a juvenile was adjudicated for an offense against a person, robbery, incest, or child abuse that would have constituted a felony if committed by an adult, or if special circumstances have been found to exist.

- ***Parole revocation***
  C.R.S. 19-2-1004

  A juvenile parolee who violates the conditions of parole may have their parole revoked. Such violations include a warrant issued for the parolees arrest, the commission of a new offense, belief that the parolee has left the state, refusal to appear before the board to answer charges of violations, or testing positive for an illegal or unauthorized substance. After the arrest or summons of the parolee, the parole officer can request a preliminary hearing. A hearing relating to the revocation will then be held. If the hearing panel determines that a violation of a condition(s) of parole has been committed, they will hear further evidence related to the disposition of the parolee. At the conclusion of the hearing, the hearing panel will advise the parties of its findings and recommendations and of their right to request a review before the board. If a review before the board is not requested or the right to review is waived, the findings and recommendations of the hearing panel, if unanimous, shall become the decision of the Juvenile Parole Board.

- ***Unsuccessful completion***

  If a juvenile does not complete the sentence successfully, the youth will be sent back to the court for re-sentencing.

- ***Parole discharge***
  C.R.S. 19-2-1002(9)

  The Board may discharge a juvenile from parole after the juvenile has served the mandatory parole period of six months but prior to the expiration of his or her period of parole supervision when it appears to the board that there is a reasonable probability that the juvenile will remain at liberty without violating the law or when such juvenile is under the probation supervision of the district court, in the custody of the Department of Corrections, or otherwise not available to receive parole supervision.

- ***Successful completion***

  The juvenile successfully completes their sentence and is free to integrate back into the community.

Juvenile arrests

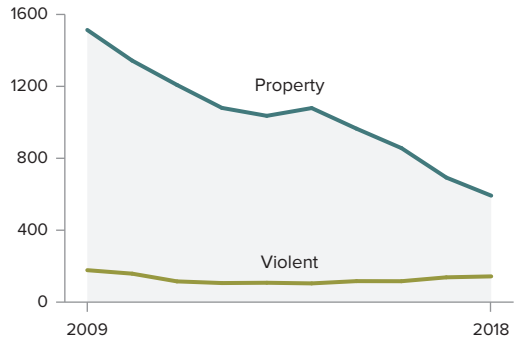
The arrest rate is defined as the number of arrests of persons under age 18 for every 100,000 persons between the ages of 10 and 17. There are four crimes that make up the violent crime index: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. The property crime index includes burglary, larceny/theft, motor vehicle theft, and arson.

- The national arrest rate for juveniles was 2,167 in 2018, compared to Colorado's juvenile arrest rate of 1,218.
- Nationally, the juvenile arrest rate for all offenses reached its highest level in the last three decades in 1996, and then declined 74 percent by 2018. Colorado arrest statistics mirror this trend, with the peak arrests occurring in 1991. The Colorado juvenile arrest rate declined by 78% by the end of 2018.
- In 2018, Colorado had a 37 percent higher per capita arrest rate for drug abuse violations than the national average (431.8 compared to 271.2).

Source: Harp, C. (2020). *Juvenile arrests 2018*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Available at https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/media/document/254499.pdf

Juvenile violent vs. property crime arrests

Figure 4.4. **Colorado juvenile violent and property crime arrest rates, 2009-2018**

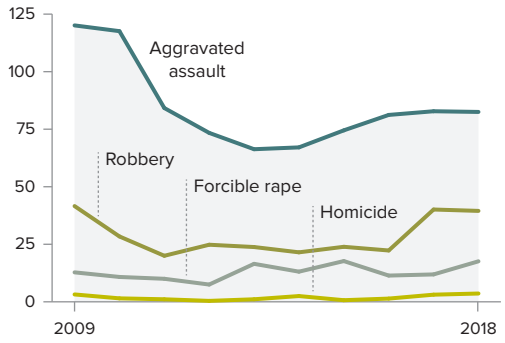


Notes: Rates are per 100,000 juveniles aged 10 to 17. Violent arrests include homicide, forcible rape, robbery, and aggravated assault. Property arrests include larceny-theft, burglary, motor vehicle theft, and arson.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

- Juvenile violent arrests on average make up 12 percent of all arrests in Colorado.
- Over the last 10 years, violent and property arrests in Colorado decreased. Violent arrests fell 19 percent, to 143 per 100,000 juveniles aged 10-17, while property arrests declined 61 percent to 592 per 100,000 juveniles.

Figure 4.5. **Colorado juvenile violent crime arrest rates, 2009-2018**



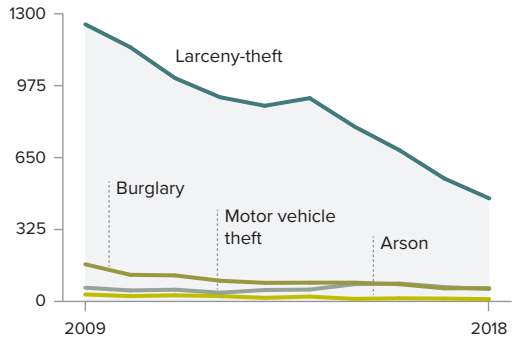
Notes: Rates are per 100,000 juveniles aged 10 to 17.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

- However, arrest rates for homicide and forcible rape increased in 2018, driving up the overall violent arrest rate slightly. Robbery and aggravated assault rates fell from the previous year.
- Aggravated assaults made up the vast majority of juvenile violent arrests.

! ***Note the differences in scale used in the figures on this page and next.***

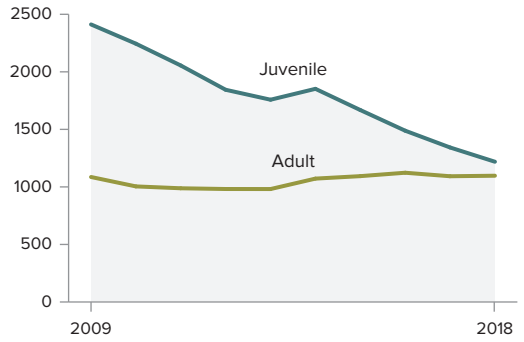
Figure 4.6. **Colorado juvenile property crime arrest rates, 2009-2018**



Notes: Rates are per 100,000 juveniles aged 10 to 17.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

Figure 4.7. **Comparison of trends in adult and juvenile arrest rates, 2009-2018**



Notes: Rates are per 100,000 adults and 100,000 juveniles between 10 and 17.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx.

- Larceny and theft made up the majority (79 percent) of arrests for property crimes, even though the arrest rate has fallen 63 percent over the past 10 years.
- The burglary arrest rate decreased 64 percent over the past 10 years, while the motor vehicle theft arrest rates decreased by 10 percent.
- Over the last three years, the arson arrest rate fell 11 percent to 10 per 100,000 juveniles between the ages of 10 and 17.

Table 4.1. **Change in arrest rates by crime type: Comparison of adults and juveniles, 2009 and 2018**

	Juveniles	Adults
Property	**-56.5%**	**21.9%**
Auto theft	0.6%	152.9%
Burglary	-60.3%	-2.2%
Theft	-58.7%	17.1%
Drug	**-23.5%**	**9.7%**
Weapon	**-38.6%**	**50.8%**

	Juveniles	Adults
Violent	**-10.5%**	**23.6%**
Homicide	23.5%	52.0%
Agg. assault	-23.7%	24.1%
Forcible rape	52.9%	37.9%
Robbery	5.4%	11.4%
All crime types	**-43.9%**	**19.0%**

Notes: Rates are per 100,000 adults and 100,000 juveniles between 10 and 17.

Sources: Population data: Colorado State Demographers Office, Department of Local Affairs. Available at https://demography.dola.colorado.gov/population/ Colorado Bureau of Investigation. Colorado Statewide – National Incident-Based Reporting System (NIBRS) Agency Crime Overview 2018. Available at https://coloradocrimestats.state.co.us/public/Browse/BrowseTables.aspx

Status offenses

A status offense is a behavior that if committed by an adult would not be considered criminal (i.e. truancy, runaway, etc). The number of arrests for status offenses can be found in Table 4.2. Arrest data for truancy is not available. According to the Colorado Revised Statutes sections 13-5-145, a truancy proceeding is a judicial proceeding regarding the enforcement of school attendance. Truancy cases are filed in juvenile district court, and during FY 2019, there were 1,842 truancy cases filed. This represents 8 percent of the total number of juvenile district court filings.

Status offenses such as curfew violations, possession of alcohol by a minor, and runaways are considered juvenile delinquency (JD) filings in district court. In FY 2019, these represented about two percent of the statewide total of JD filings.

Table 4.2. **Number of status offense arrests, 2019**

Offense	Arrests (N)
Curfew violation	2,164
Liquor law violations	4,789
Gambling	1
Runaway	5,269

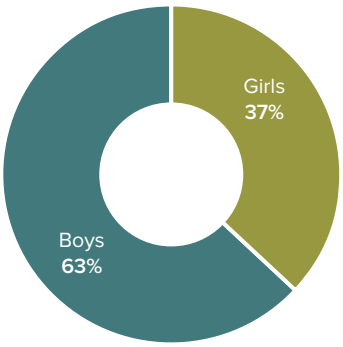
Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado.

Who gets arrested?

The following figures display demographic information on juveniles arrested in Colorado during calendar year 2018. The data were extracted from the Colorado Bureau of Investigation's (CBI) National Incident Based Reporting Systems (NIBRS) Colorado Criminal History database by means of the Colorado Justice Analytics Support System (CJASS). This data source differs from that used to compile CBI's annual Crime in Colorado statistics, and includes only arrests in which a fingerprint was taken which are generally arrests involving more serious crimes.

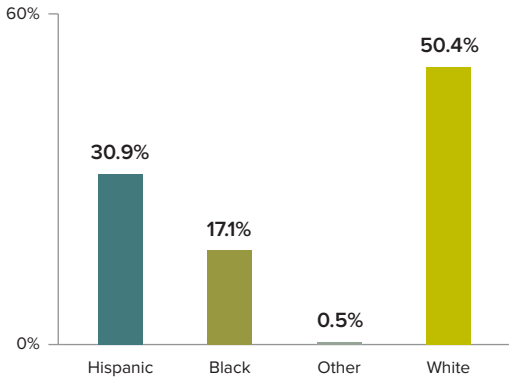
As can be seen in Figures 4.11 and 4.12, the demographic characteristics of juveniles arrested has changed over time. Over one-third (37 percent) of juveniles arrested are female, compared to only 20 percent in 2008. Additionally, far more juveniles arrested are under the age of 15 than were those arrested in 2008.

Figure 4.8. **Gender: Colorado juveniles arrested, 2018 (N=22,582)**



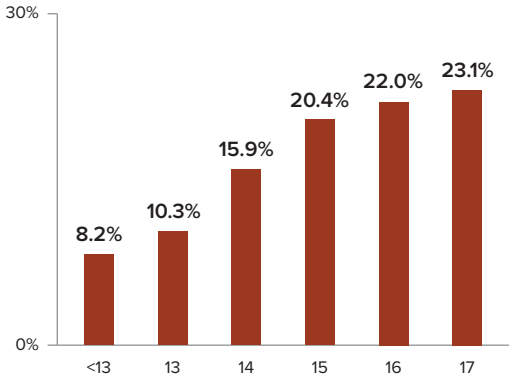
Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Figure 4.9. **Race: Colorado juveniles arrested, 2018 (N=22,582)**



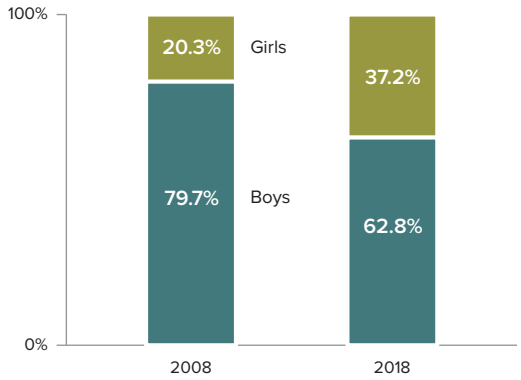
Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Figure 4.10. **Age: Colorado juveniles arrested, 2018 (N=22,582)**



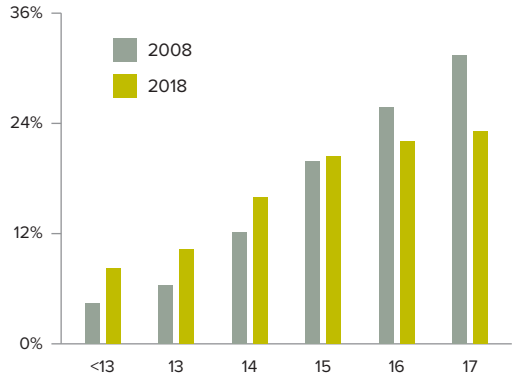
Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Figure 4.11. **Gender: Colorado juveniles arrested, 2008 and 2018**



Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Figure 4.12. **Age: Colorado juveniles arrested, 2008 and 2018**



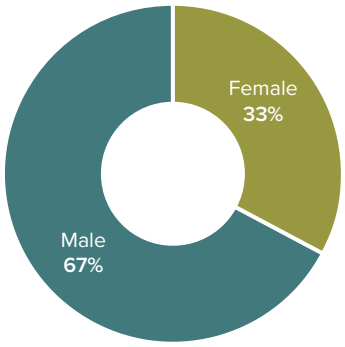
Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020.

Diversion

According to the Colorado Children's Code (C.R.S. 19-1103(44)) the goal of juvenile diversion is to prevent further involvement of the youth in the formal legal system. Diversion of a youth can take place either at the pre-filing level as an alternative to filing of a petition; at the post adjudication level as an adjunct to probation services following an adjudicatory hearing; or a disposition as a part of sentencing. Juvenile diversion programs concentrate on holding the youth accountable for their behavior while involving them in programs and activities to prevent future criminal and delinquent behavior. Programs of this type provide local communities with alternatives for holding youth accountable for their behavior, help change the way youth think about their behavior, ensure that youth take responsibility for their actions, and ensure that victims and communities feel safe and restored.

For over 20 years, the Colorado General Assembly has appropriated general funds to help support juvenile diversion programming as authorized under C.R.S. 19-2-303. For Fiscal Years 2020-21, 2021-22, and 2022-23, nearly $3 million dollars per year in state funds are available for diversion programming across Colorado's 22 judicial districts. In FY 2020, a total of 1,699 youth were served through the state's 22 diversion programs.

Figure 4.13. **Gender: Colorado juvenile diversion participants, FY 2020 (N=1,699)**



Source: Office of Adult and Juvenile Justice Assistance. (2020). Colorado Juvenile Diversion Report: 07/07/2020 through 06/30/2020.

Table 4.3. **Race: Colorado juvenile diversion participants, FY 2020**

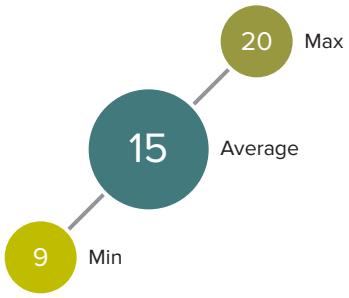
Race (N=1699)	**Percent*****
White*	74.9%
Black	7.8%
American Indian	0.9%
Missing**	6.5%
Asian/Pacific Islander	1.5%
Other	5.2%

Notes: * These numbers may include youth who also identified as Hispanic/Latino. ** Missing counts may be high due to a change in how race and Hispanic/Latino ethnicity data are collected. *** Please note in fiscal year 2020 survey data were only collected through December 31, 2019, counts less than 4 have been suppressed, and percentages may not add up to 100% due to rounding.

Source: Office of Adult and Juvenile Justice Assistance. (2020). Colorado Juvenile Diversion Report: 07/07/2020 through 06/30/2020.

- Over two thirds of the youth served in juvenile diversion programs were males.
- Most juvenile diversion clients were White (75 percent) in FY 2020.

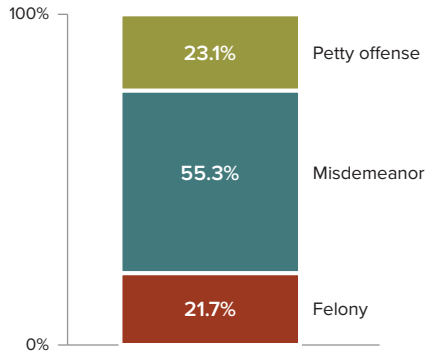
Figure 4.14. **Age: Colorado juvenile diversion participants, FY 2020 (N=1,699)**



Source: Office of Adult and Juvenile Justice Assistance. (2020). Colorado Juvenile Diversion Report: 07/07/2020 through 06/30/2020.

- The average age of youth involved in diversion programs was fifteen.

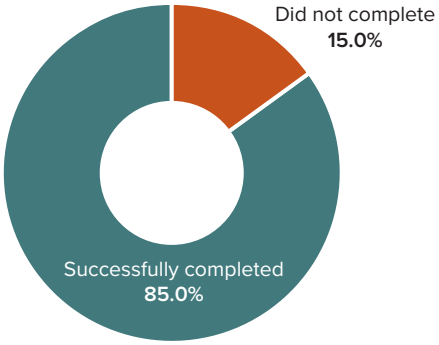
Figure 4.15. **Charge level for which youth were referred to juvenile diversion, FY 2020 (N=1,699)**



Note: Due to rounding, the percentages may not add up to 100 percent.

Source: Office of Adult and Juvenile Justice Assistance. (2020). Colorado Juvenile Diversion Report: 07/07/2020 through 06/30/2020.

Figure 4.16. **Discharge status: Colorado juvenile diversion participants, FY 2020 (N=1,699)**



Source: Office of Adult and Juvenile Justice Assistance. (2020). Colorado Juvenile Diversion Report: 07/07/2020 through 06/30/2020.

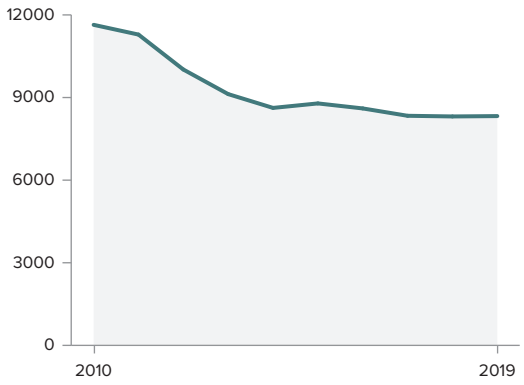
- Over half of the youth were referred to diversion because of a misdemeanor or petty offense charge: 22 percent of charges were for misdemeanor theft followed by petty offenses at 23 percent.
- In FY 2020, 85 percent of youth successfully completed the diversion program.

Who is prosecuted?

When a juvenile is accused of a crime in Colorado, the court process is very different than that followed in adult court. The juvenile crime is called an act of delinquency and requires juvenile court intervention. The district attorney decides whether to dismiss the matter, to handle the matter informally, or to file a delinquency petition in court. An adjudicatory trial then takes place to determine whether the allegations of the delinquency petition are supported by the evidence. The exception to this is in cases in which a juvenile is prosecuted as an adult under specific circumstances. In such cases, the court process follows the procedures of adult criminal court.

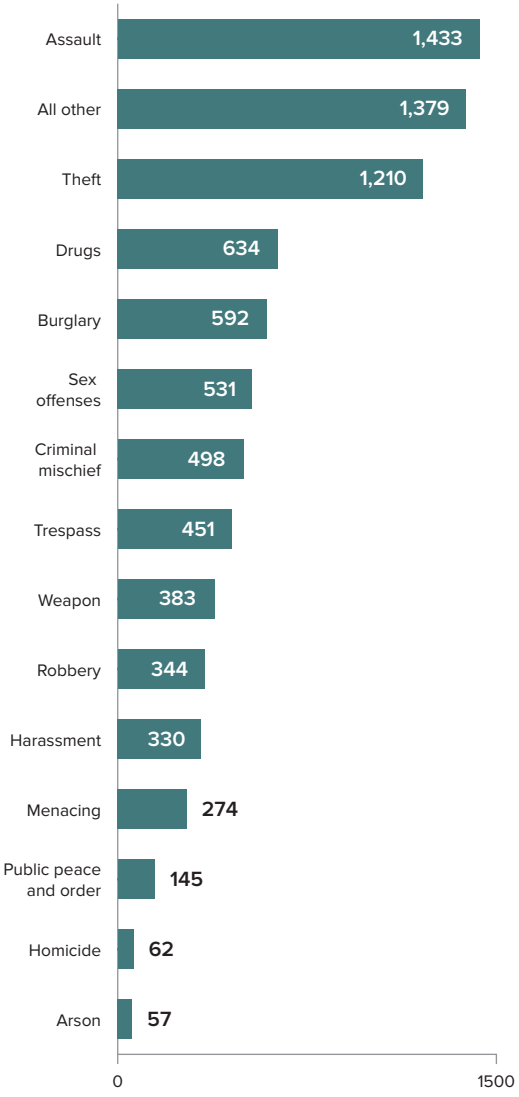
- The numbers of juvenile delinquency cases filed statewide in Colorado decreased 28 percent between FY 2010 and FY 2019.
- The most common crime filed in juvenile delinquency cases during FY 2019 was assault (17 percent of cases), followed by theft (15 percent).

Figure 4.17. **Colorado juvenile delinquency petitions filed FY 2010 through FY 2019**



Source: Source: Colorado Judicial Branch. (2019). *Annual statistical reports fiscal years 2010-2019*. Denver, CO: Supreme Court of Colorado.

Figure 4.18. **Colorado juvenile delinquency petitions filed FY 2019 by type of case (N=8,326)**



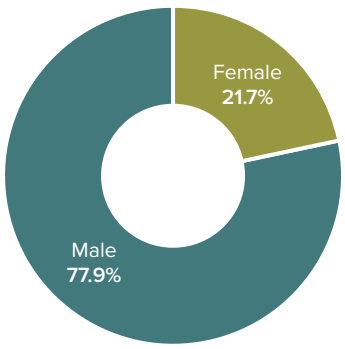
Source: Source: Colorado Judicial Branch. (2019). *Annual statistical reports fiscal years 2010-2019*. Denver, CO: Supreme Court of Colorado.

Table 4.4. **Colorado juvenile delinquency petitions filed in FY 2019 by judicial district (N=8,326)**

Judicial district	Petitions filed
1	670
2	942
3	63
4	1,442
5	99
6	56
7	122
8	641
9	92
10	222
11	103
12	74
13	114
14	49
15	23
16	27
17	583
18	1,490
19	655
20	377
21	385
22	97
Total	**8,326**

Source: Colorado Judicial Branch. (2019). *Annual statistical reports fiscal years 2010-2019*. Denver, CO: Supreme Court of Colorado.

Figure 4.19. **Gender: Colorado juvenile delinquency petitions disposed in 2019 (N=7,075)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Table 4.5. **Race/ethnicity: Colorado juvenile delinquency petitions disposed in 2019 (N=7,116)**

Race	Percent
Black	16.1%
Hispanic	34.4%
Other	4.0%
White	45.5%
Total	**100%**

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Note: As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

- Over three-quarters of juveniles prosecuted in 2019 were male (78 percent).
- Juveniles with delinquency cases in 2019 were 15 years old on average.

The Role of the Guardian Ad Litem (GAL)

In Colorado a guardian ad litem, special advocate, or other representative can be appointed by the court on behalf of children, wards, or impaired adults in all cases. A guardian ad litem (GAL) protects the best interests of the child (or incapacitated adult) involved in any lawsuit. For example, when the parents or grandparents of a child are involved in a custody battle, or when a lawsuit alleges child abuse, child neglect, juvenile delinquency, or dependency, the GAL represents only the child's best interests. They may conduct interviews and investigations of their own and report to the court with suggestions based on the best interest of the child.

Cases filed in adult criminal court involving defendants under the age of 18 years

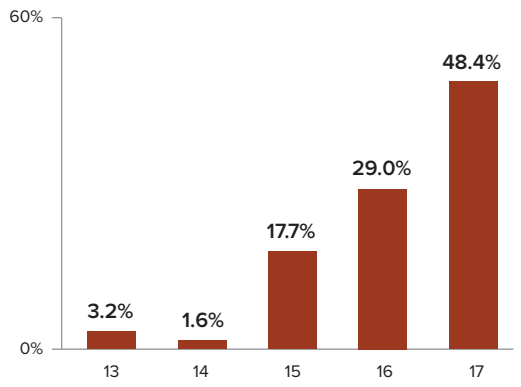
All states have established methods for prosecuting juveniles as adults. There are three types of laws that allow the transfer of cases from juvenile to adult court:

- Concurrent jurisdiction law allows prosecutors to use their discretion and decide whether to file a case in juvenile or criminal court.
- Statutory excursion laws grant criminal courts original jurisdiction over certain classes of cases involving juveniles.
- Judicial waiver laws authorize or require juvenile court judges to remove certain youth from juvenile court jurisdiction to be tried as adults in criminal court.

In Colorado there are two ways of prosecuting juveniles as adults: transfers or direct file. Per C.R.S. 19-2-518, a juvenile may be transferred to adult court if the juvenile was 12 or 13 years old at the time of the offense, and the offense is a class 1 or 2 felony or a crime of violence (per C.R.S. 18-1.3-406). It may also occur when the juvenile is 14 years old or older and committed a felony, and it was determined after an investigation and hearing that it would be in the best interest of the juvenile or the public to transfer jurisdiction from juvenile to adult district court.

According to section C.R.S. 19-2-517, a juvenile case may be directly filed in adult district court if the youth is at least 16 years old and is alleged to have committed a class 1 or 2 felony or a crime of violence (per C.R.S. 18-1.3- 406). Additional circumstances may also allow for direct file. These circumstances are outlined in C.R.S. 19-2-517.

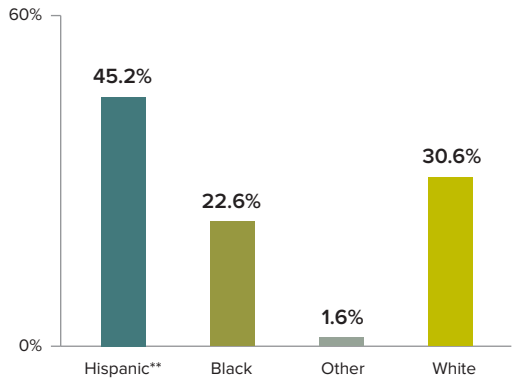
Figure 4.20. **Criminal cases filed on defendants under 18 years old at the time of offense* by age, cases closed in 2019 (N=62)**



Note: * In cases in which an offense date was unavailable, the defendant's age on date of filing was applied.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

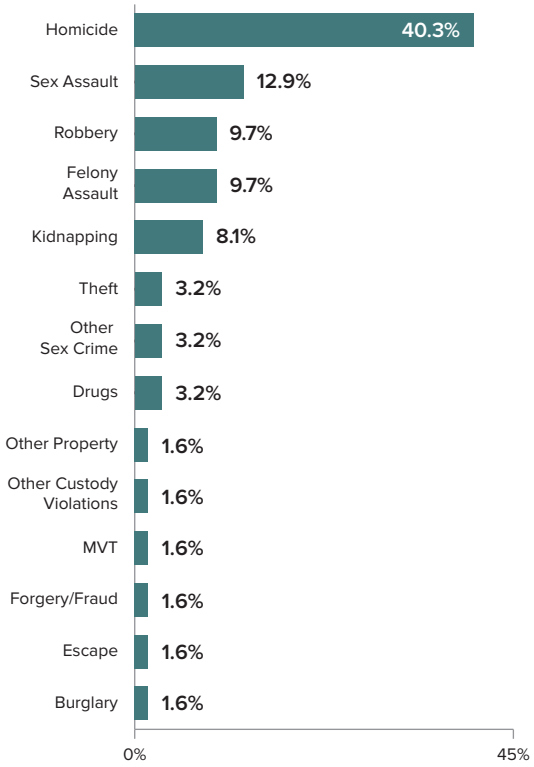
Figure 4.21. **Criminal cases filed by race, defendants under 18 years old at the time of offense,* cases closed in 2019 (N=62)**



Notes: * In cases in which an offense date was unavailable, the defendant's age on date of filing was applied. ** As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Figure 4.22. **Criminal cases filed on defendants under 18 years old at the time of offense* by offense type: cases closed in 2019 (N=62)**



Note: * In cases in which an offense date was unavailable, the defendant's age on date of filing was applied.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Adult criminal court placement of defendants under 18 years of age

Of the 61 cases closed in 2019:[1]

- 30 percent were sentenced to the Department of Corrections.
- 33 percent were sentenced to the Youthful Offender System.
- 21 percent received regular probation.
- 12 percent were sentenced to Sex Offender Intensive Supervision.
- 1 individual received a deferred sentence.
- 1 individual received a sentence to jail.

Table 4.6. **Number of juvenile delinquency, criminal filings, and criminal filings ending in conviction by judicial district, defendants under 18 years old at the time of the offense,* cases closed in 2019**

Judicial district	Juvenile delinquency (JD) filings	Criminal (CR) filings	Criminal convictions
1	526	2	2
2	621	10	8
3	51	1	0
4	1,275	9	7
5	94	1	0
6	55	0	0
7	109	0	0
8	621	5	3
9	80	3	2
10	186	2	1
11	81	1	1
12	57	1	0
13	94	2	2
14	53	0	0
15	26	0	0
16	23	0	0
17	475	8	5
18	1,375	13	8
19	507	0	0
20	321	4	2
21	373	0	0
22	84	0	0
State-wide	**7,087**	**62**	**41**

Note: * In cases in which an offense date was unavailable, the defendant's age on date of filing was applied.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

[1] Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Youthful Offender System (YOS)

A special session of the Colorado state General Assembly held in the fall of 1993 charged the Colorado Department of Corrections with developing and implementing a specialized program for violent juvenile offenders who were charged and convicted as adult felons. This program is called the Youthful Offender System (YOS) and it began accepting individuals in 1994.

In 2009, the Young Adult Offender sentencing statute was passed into law, expanding the eligibility criteria for sentencing to YOS to include individuals who commit class 3 through 6 violent felony offenses when they are between the ages of 18 and 19 and who are sentenced prior to their 21st birthday. In 2015, legislation was passed allowing the Executive Director of the Department of Corrections to identify individuals who would benefit from YOS programming from the DOC regular population to YOS. The individual must be less than 24 years of age.

In order to sentence an individual to the YOS, the court must first impose a sentence to the DOC, which is then suspended on the condition that the person will complete a sentence to the YOS, including a period of community supervision.

YOS has four program components:

1. Intake, diagnostic, and orientation (OTP)
2. Phase I, focusing on core programming
3. Phase II, occurring in the last three months of confinement
4. Phase III, comprised of community supervision, monitoring, and reintegration

An analysis of all youth sentenced between 2007 and 2013 for either a delinquency adjudication or a conviction in criminal court found that the largest proportion (85 percent) of persons sentenced to YOS had been convicted of a violent crime (including murder, other homicide, felony assault, kidnap, robbery, and sexual assault). Comparatively, 27 percent of those sentenced to a Division of Youth Services commitment were convicted of these crimes,[2] indicating that the YOS was serving a population that differed considerably from those cases handled in juvenile court.

Between FY 2012 and FY 2018, the most common conviction crimes resulting in a YOS sentence were aggravated robbery, assault, and murder/homicide. A handful of youth have been admitted for burglary and drug crimes.[3]

Program outcomes

From FY 1995 through FY 2019, 75 percent of the YOS population successfully completed their sentence, according to DOC's FY 2019 YOS report. The five-year recidivism rate for those who successfully completed YOS (as measured by return to prison on a new sentence) is approximately 30 percent.[4]

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[2] Miera, G. Flick, P., Ford, K., Adams, C., Lucero, L. & English, K. (2014). *Evaluation of the Youthful Offender System (YOS) in Colorado: A report of findings per C.R.S. 18-1.3-407*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics.

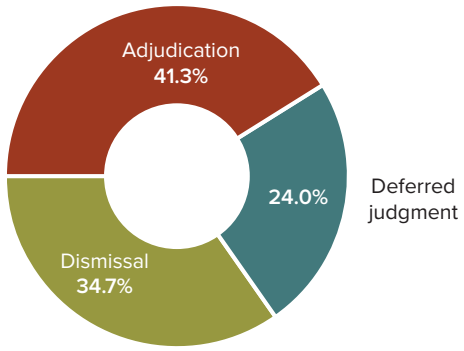
[3] Harrison, L., Miera, G. Flick, P., Ford, K., English, K., & Lucero, L. (2018). *Evaluation of the Youthful Offender System (YOS) in Colorado: A report of findings per C.R.S. 18-1.3-407*. Denver, CO: Colorado Division of Criminal Justice, Office of Research and Statistics.

[4] DOC Office of Planning and Analysis (2019). *Youthful Offender System Fiscal Year 2019 Annual Report*. Colorado Springs, CO: Colorado Department of Corrections. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

How are juvenile cases disposed?

A juvenile delinquency petition may have several outcomes. A finding of guilty results in an adjudication. If charges are dropped or a finding of not guilty is reached, the case is dismissed. Alternatively, a deferred judgment may be given. This is an arrangement in which a defendant pleads guilty and is placed under probation supervision. If probation is successfully completed, the guilty plea is withdrawn and the case is dismissed.

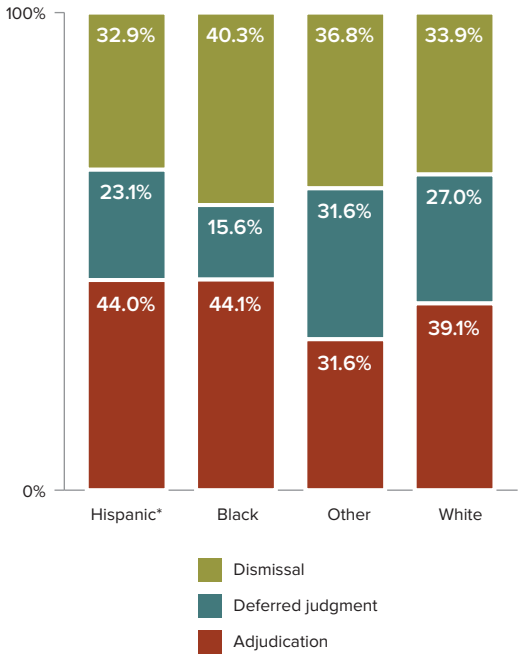
Figure 4.23. **Disposition: Colorado juvenile delinquency cases closed in 2019 (N=7,116)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- Far fewer juvenile delinquency cases resulted in adjudication than did adult cases result in a conviction (41 percent compared to 71 percent). Over a third of juvenile delinquency cases were dismissed. More juveniles were also afforded a deferred judgment than were adults (24 percent compared to 10 percent).

Figure 4.24. **Dispositions and race/ethnicity: Colorado juvenile delinquency cases closed in 2019 (N=7,116)**

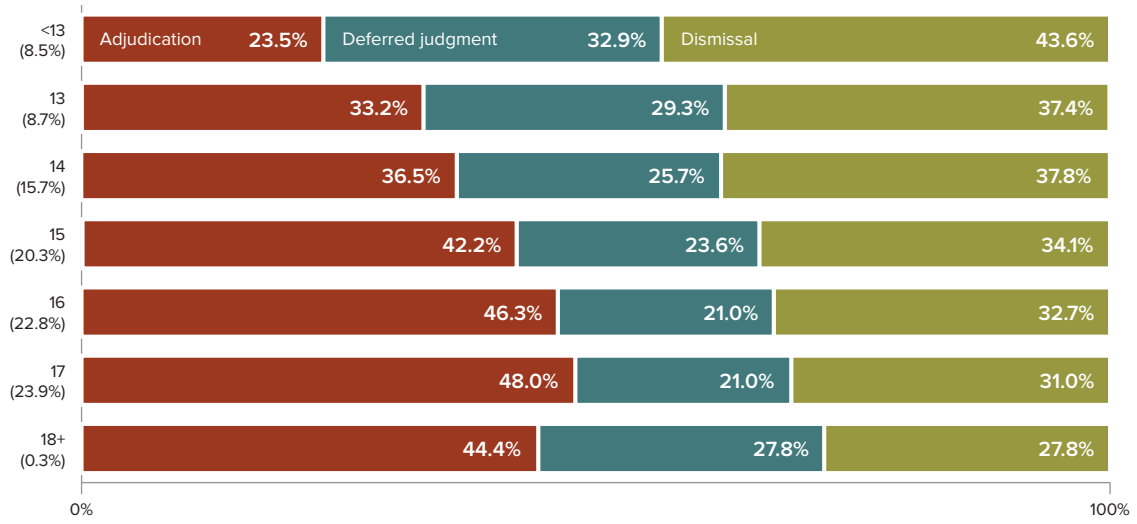


Note: * As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- Prosecutions of Black and Hispanic juvenile defendants resulted in an adjudication more often compared to White juveniles. Additionally, these youth received deferred judgments far less often than did White youth.

Figure 4.25. **Dispositions and age: Colorado juvenile delinquency cases closed in 2019 (N=7,116)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

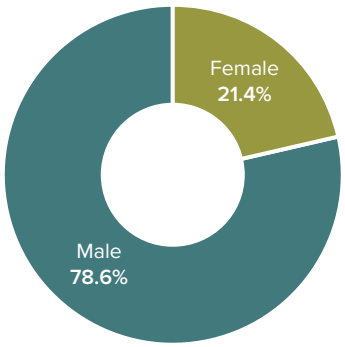
- As shown in Figure 4.25, the possibility of receiving an adjudication increased with age. Conversely, the chance of receiving a deferred judgment decreased for older juveniles.
- The average length of time taken to reach a disposition from the time of filing ranges from an average of 160 days for non-violent crimes to 193 days for violent crimes.

Who is adjudicated?

According to the Children's Code of the Colorado Revised Statutes (19-1-103), adjudication is the determination by the court that it has been proven that the juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act.

The following section reports on only those juveniles who were adjudicated or whose adjudication resulted in a deferred judgment, a subgroup of the juveniles described in the previous section. Those not included in this section are the juveniles whose cases were dismissed.

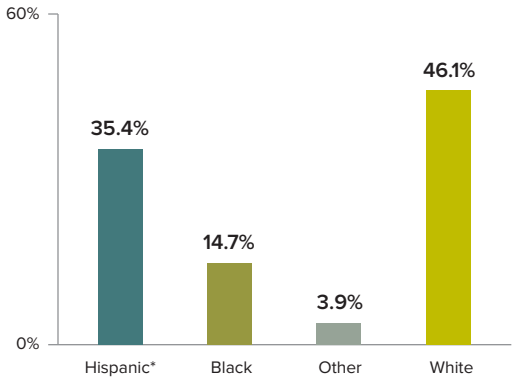
Figure 4.26. **Gender: Colorado juvenile delinquency adjudications and deferred adjudications in 2019 (N=4,629)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- The majority of juveniles with an adjudication or a deferred adjudication were male (79 percent).

Figure 4.27. **Race/ethnicity: Colorado juvenile delinquency adjudications and deferred adjudications in 2019 (N=4,629)**



Note: * As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Sources: Filing data: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- Less than half of the juveniles adjudicated in 2019 were White (46 percent). Over a third were Hispanic (35 percent).

Were they found guilty of their original charges?

The table on the next page depicts the outcomes of juvenile cases closed with an adjudication or a deferred judgment in 2019. The most serious crime category that a juvenile was originally charged with is displayed, along with whether or not the juvenile was adjudicated for that charge or for a different charge. Table 4.8 displays the same information, separated by gender.

- Most of the juveniles adjudicated in 2019 were adjudicated of the crime they were originally charged with. Of juveniles charged with violent crimes, 75 percent were adjudicated of that violent crime. Of those charged with a non-violent crime, 78 percent were adjudicated of the same non-violent crime.
    - The violent charges examined include homicide, sexual assault, aggravated assault and robbery. Non-violent charges include burglary, theft, motor vehicle theft, arson, and drug offenses.
- Of the 29 adjudicated juveniles charged with homicide, 59 percent were adjudicated of homicide. Another 41 percent were adjudicated for another violent crime, and none were adjudicated for a non-violent crime.
- Sexual assault was the violent crime most likely to be adjudicated as charged among juveniles in 2019 (73 percent).
- Overall, females were slightly more likely than males to be adjudicated as charged for both violent crimes and nonviolent crimes in general. Those charged with violent crimes were adjudicated as charged in 76 percent of cases, and those charged with non-violent crimes were adjudicated as charged in 81 percent of cases. Males, on the other hand, were adjudicated as charged in 75 percent of cases involving violent crimes, and 77 percent of cases involving non-violent crimes.
- However, females were far less likely than males to be adjudicated as charged for select categories of crimes. These crimes include homicide, robbery, burglary, motor vehicle theft and forgery or fraud.
- Overall, those charged with theft were the most likely to be adjudicated as charged (94 percent of cases).

Among juveniles in 2019, sexual assault was the violent crime most likely to be adjudicated as charged.

Table 4.7. **Colorado juvenile delinquency adjudications in 2019: Filing and conviction charges**

Original most serious charge	Adjudicated as charged	Other violent crime conviction	Other non-violent crime conviction	Total percentage	Total N
Violent charges					
Homicide*	58.6%	41.4%	0%	100.0%	29
Robbery	62.6%	27.0%	10.4%	100.0%	222
Sex assault	73.0%	26.6%	0.4%	100.0%	244
Felony assault	51.7%	39.3%	9.0%	100.0%	491
All violent crimes**	**75.4%**	**17.6%**	**7.0%**	**100.0%**	**2,114**
Non-violent charges					
Burglary	58.8%	5.3%	35.9%	100.0%	415
Theft	94.0%	1.7%	4.4%	100.0%	298
Motor vehicle theft	80.6%	1.6%	17.8%	100.0%	247
Forgery/fraud	38.9%	4.2%	56.9%	100.0%	72
Drugs	84.6%	2.6%	12.8%	100.0%	383
All non-violent***	**77.6%**	**4.4%**	**18.0%**	**100.0%**	**2,520**
Violent and non-violent charges					
All charges	**76.6%**	**10.4%**	**13.0%**	**100.0%**	**4,634**

Notes: * These data must be viewed with caution due to the low number of cases in some categories. ** In addition to the violent crimes listed, other violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. *** In addition to the non-violent crimes listed, other non-violent crimes include extortion, trespass, other property crimes, escape, bribery, custody violations, and miscellaneous other crimes.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Table 4.8. **Colorado juvenile delinquency adjudications in 2019: Filing and conviction charges by gender**

	Original most serious charge	Adjudicated as charged	Other violent crime conviction	Other non-violent crime conviction	Total percentage	Total N
GIRLS	**Violent charges**					
	Homicide*	25.0%	75.0%	0%	100.0%	4
	Robbery	46.2%	30.8%	23.1%	100.0%	26
	Sex assault	71.4%	28.6%	0%	100.0%	7
	Felony assault	43.1%	43.1%	13.7%	100.0%	102
	All violent crimes**	**76.4%**	**14.4%**	**9.2%**	**100.0%**	**411**
	Non-violent charges					
	Burglary	47.5%	10.2%	42.4%	100.0%	59
	Theft	95.5%	0.9%	3.6%	100.0%	110
	Motor vehicle theft	73.6%	1.9%	24.5%	100.0%	53
	Forgery/fraud	33.3%	4.2%	62.5%	100.0%	24
	Drugs	93.3%	0%	6.7%	100.0%	104
	All non-violent***	**80.7%**	**3.6%**	**15.6%**	**100.0%**	**576**
	Violent and non-violent charges					
	All charges	**78.9%**	**8.1%**	**13.0%**	**100.0%**	**987**
BOYS	**Violent charges**					
	Homicide*	64.0%	36.0%	0%	100.0%	25
	Robbery	65.1%	26.2%	8.7%	100.0%	195
	Sex assault	73.0%	26.6%	0.4%	100.0%	237
	Felony assault	53.9%	38.3%	7.8%	100.0%	386
	All violent crimes**	**75.2%**	**18.4%**	**6.4%**	**100.0%**	**1,697**
	Non-violent charges					
	Burglary	60.5%	4.5%	35.0%	100.0%	354
	Theft	93.1%	2.1%	4.8%	100.0%	188
	Motor vehicle theft	82.5%	1.5%	16.0%	100.0%	194
	Forgery/fraud	41.7%	4.2%	54.2%	100.0%	48
	Drugs	81.1%	3.6%	15.3%	100.0%	275
	All non-violent***	**76.6%**	**4.7%**	**18.8%**	**100.0%**	**1,932**
	Violent and non-violent charges					
	All charges	**75.9%**	**11.1%**	**13.0%**	**100.0%**	**3,629**

Notes: * These data must be viewed with caution due to the low number of cases in some categories. ** In addition to the violent crimes listed, other violent crimes include sex crimes other than sexual assault, weapons charges, kidnap and simple assault. *** In addition to the non-violent crimes listed, other non-violent crimes include extortion, trespass, other property crimes, escape, bribery, custody violations, and miscellaneous other crimes.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Juvenile placements

Once a juvenile is adjudicated, the courts may impose any combination of the following sentences: Commitment to the Department of Human Services' Division of Youth Services (DYS); county jail; DYS detention; placement of custody with a relative or other suitable person; probation; participation in the community accountability program; placement with social services or in a hospital; a fine; restitution; or a treatment program. Any sentence may also include conditions for the parent/guardian, pursuant to C.R.S. 19-2-919. If the sentence includes school attendance, a notice to the school is required.

Commitment

The court may commit a juvenile to the Colorado Department of Human Services (DHS) for a determinate period of up to two years if the juvenile is adjudicated for an offense that would constitute a felony or a misdemeanor if committed by an adult. If the juvenile is younger than twelve years of age and is not adjudicated an aggravated juvenile offender, the court may commit the juvenile to the Department of Human Services only if the juvenile is adjudicated for an offense that would constitute a class 1, class 2, or class 3 felony if committed by an adult.

County jail

The court may sentence a person who is eighteen years of age or older on the date of adjudication to the county jail for a period not to exceed six months or to a community correctional facility for a period not to exceed one year, which may be served consecutively or in intervals.

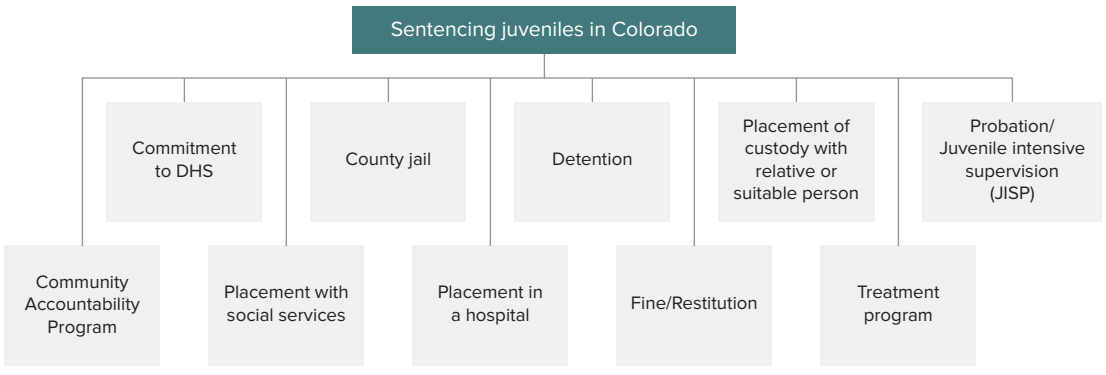
Detention

The court may sentence any juvenile adjudicated for an offense that would constitute a class 3, class 4, class 5, or class 6 felony or a misdemeanor if committed by an adult to detention for a period not to exceed forty-five days.

Custody with a relative or suitable person

The court may place the juvenile in the legal custody of a relative or other suitable person. The court may impose additional conditions like placing the juvenile on probation or under other protective supervision.

Figure 4.28. **Juvenile placements**



Source: Figure adapted from the March 15, 2005 version by Frank Minkner, Division of Youth Corrections.

Probation

When a juvenile is sentenced to probation, the court may impose additional conditions. These may include placing the juvenile in the intensive supervision program (JISP, see below) requiring participation in a supervised work program, or a term at the county jail for those juveniles eighteen years of age or older at the time of sentencing.The jail sentence may not exceed ninety days, except when the court orders the juvenile released for school attendance, job training, or employment. In this case, the sentencing period may be up to 180 days.

Juvenile Intensive Supervision Probation (JISP)

This is an intensive case management approach that may include monitoring of school progress, referral for remedial educational assistance, frequent home visits by the supervising officer, electronic monitoring, drug testing, skill building and treatment services.

Community accountability program

The court may sentence the juvenile to participate in the community accountability program. This sentence is a condition of probation and targets higher risk juveniles who would have otherwise been sentenced to detention, an out-of-home placement, or committed to the Department of Human Services. This sentence depends on the availability of space in the community accountability program and on a determination by the Division of Youth Services that the juvenile's participation in the program is appropriate.

Placement with social services

The court may place legal custody of the juvenile with the county department of social services.

Placement in a hospital

The court may order that the juvenile be examined or treated by a physician, surgeon, psychiatrist, or psychologist or receive other special care by placing the juvenile in a hospital. Placement in a mental health facility requires that the juvenile receive a mental health hospital placement prescreening resulting in a recommendation that the juvenile be placed in a facility for an evaluation. Placement in any mental health facility may continue as ordered by the court or until a professional person in charge of the juvenile's treatment determines that the treatment or placement is no longer appropriate.

Fines

The court may impose a fine up to $300.

Restitution

Juveniles who receive deferred adjudications or an adjudication, and who have damaged or lost the personal property of a victim, or have caused personal injury to the victim as a result of the delinquent act, may be court ordered to make restitution.

Treatment program

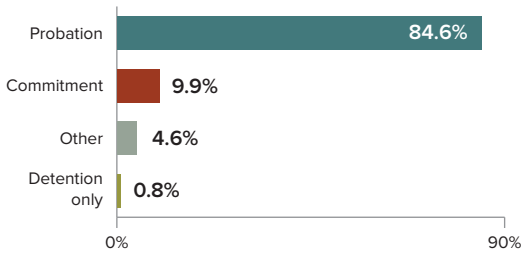
Juveniles who have been adjudicated for the commission of cruelty to animals may be ordered to complete an anger management treatment program or any other treatment program deemed appropriate by the court.

Where do they go once adjudicated?

The data presented here represent sentences for juveniles adjudicated as delinquent or who received a deferred adjudication in 2019. Sentencing placements are shown by conviction crimes. The "other" category includes additional sentencing options, such as community service, fines, electronic home monitoring and restitution payments.

- The majority, 85 percent, of adjudicated youth received a probation sentence in 2019.
- The majority of the juveniles adjudicated on homicide charges in juvenile court were committed to the Division of Youth Services (DYS). Very few (2 percent) of youth convicted of sexual assault were committed to DYS.

Figure 4.29. **Placements for Colorado juvenile delinquency adjudications in 2019 (N=4,478)**



Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Table 4.9. **Juvenile placements by most serious adjudication crime for Colorado juvenile delinquency cases in 2019 (N=4,478)**

	Probation*	Detention Only	Commitment	Other	Total
Violent charges					
Homicide	29.4%	0.0%	70.6%	0.0%	100%
Robbery	71.9%	0.7%	22.6%	4.8%	100%
Sex assault	97.2%	0.0%	1.7%	1.1%	100%
Felony assault	72.9%	2.1%	22.9%	2.1%	100%
All violent crimes**	**89.0%**	**0.7%**	**6.3%**	**4.0%**	**100%**
Non-violent charges					
Burglary	82.7%	0.0%	14.4%	2.8%	100%
Theft	88.7%	1.8%	2.5%	7.1%	100%
Motor vehicle theft	78.0%	1.2%	14.5%	6.2%	100%
Theft/forgery/fraud	79.1%	0.0%	14.9%	6.0%	100%
Drugs	90.5%	1.4%	3.6%	4.5%	100%
All non-violent crimes***	**82.2%**	**0.8%**	**10.7%**	**6.2%**	**100%**
All charges	**84.6%**	**0.8%**	**9.9%**	**4.6%**	**100%**
Total N	3,789	38	444	207	4,478

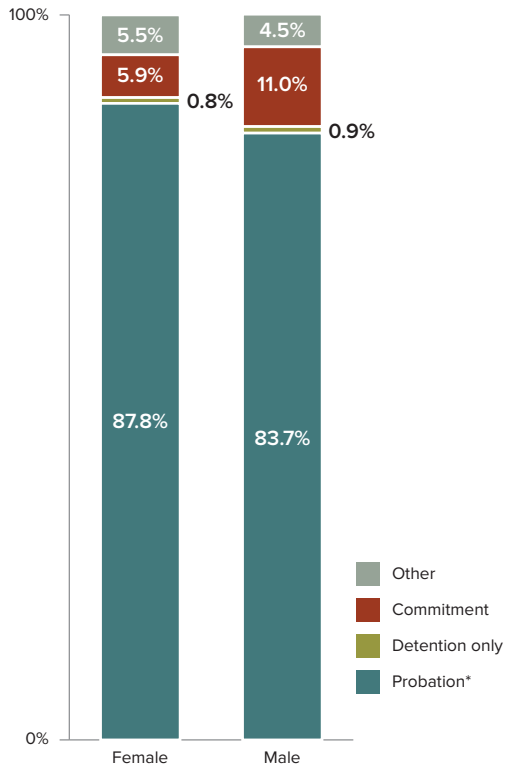
Notes: * Includes deferred adjudications and sentences. ** In addition to listed crimes, includes kidnapping, simple assault, other sex crimes and weapons offenses. *** In addition to the listed crimes, includes arson, custody violations, other property crimes, traffic, failure to register, and miscellaneous crimes.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Characteristics of who goes where

Figures 4.30, 4.31, and Table 4.10 display demographic information about juveniles adjudicated in Colorado in 2019.

Figure 4.30. **Gender and placement: 2019 Colorado juvenile delinquency adjudications (N=4,473)**

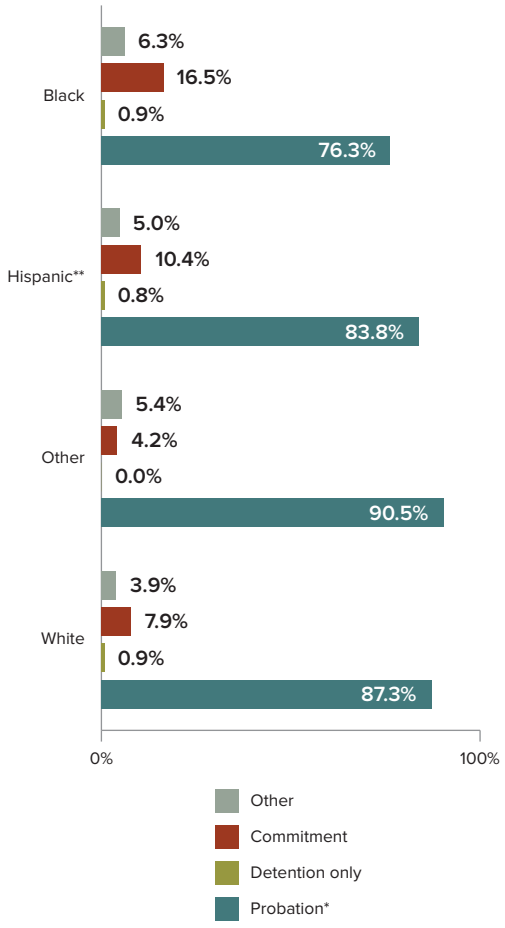


Notes: * Includes deferred adjudications and sentences.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- In 2019, adjudicated females were more likely than males to receive a probation sentence (88 percent compared to 84 percent).
- Males were much more likely to be committed to DYS than were females.

Figure 4.31. **Race/ethnicity and placement: 2019 Colorado delinquency adjudications (N=4,489)**



Notes: * Includes deferred adjudications and sentences. **As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

- Adjudicated Black juveniles in 2019 were the most likely to receive sentences to DYS.
- Among females, Hispanics were most likely to be sentenced to DYS. Among males, Blacks were most likely to be sentenced to DYS.

Table 4.10. **Race/ethnicity, gender, and placement: 2019 Colorado juvenile delinquency adjudications (N=3,523)**

	Placement	Black	Hispanic**	Other	White	N
GIRLS	Probation*	88.2%	86.5%	95.2%	88.0%	834
	Detention only	0.0%	0.9%	0.0%	1.1%	8
	Commitment	5.0%	7.2%	0.0%	5.7%	56
	Other	6.7%	5.5%	4.8%	5.2%	52
	Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**950**
BOYS	Probation*	73.8%	83.1%	89.8%	87.2%	2,950
	Detention only	1.1%	0.8%	0.0%	0.9%	30
	Commitment	18.9%	11.2%	5.9%	8.5%	386
	Other	6.2%	4.9%	4.2%	3.5%	157
	Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**	**3,523**

Notes: * Includes deferred adjudications and sentences. ** As ethnicity is not reliably reported in ICON, Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Records were extracted from Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by DCJ/ORS.

Juvenile probation in Colorado

The Colorado Judicial Branch is responsible for administering adult and juvenile probation to the state's 22 judicial districts. In FY 2019 there were 23 probation departments with over 50 separate probation offices throughout the state.

District court probation officers work within a range of regular and intensive probation programs in which they offer educational programs and refer probationers to treatment and skill-building programs. Regular (non-specialized) probation programs supervise offenders with less serious criminal records, while the more intensive specialized programs have been designed to address the risk and needs of more serious offenders.

The number of juveniles sentenced to regular probation in FY 2019 was 3,152. In FY 2019, 74 percent completed regular state probation successfully.

Table 4.11. **Outcomes: Juvenile probation in Colorado, FY 2019**

	State juvenile regular		Juvenile intensive supervision (JISP)		Total	
	N	%	N	%	N	%
New clients						
FY 2019	2,458	94%	162	6%	2,620	100%
Caseload						
Active as of June 30, 2019	3,152	93%	232	7%	3,384	100%
Terminations						
Succesful	1,508	74%	29	30%	1,537	72%
Unsuccessful-Revoked	433	21%	62	64%	495	23%
Unsuccessful-Absconded	88	4%	6	6%	94	4%
Total	**2,029**	**100%**	**97**	**100%**	**2,126**	**100%**
Types of revocation*						
New felony	88	20%	21	34%	109	22%
New misdemeanor	63	15%	6	10%	69	14%
Technical	282	65%	35	56%	317	64%
Total	**433**	**100%**	**62**	**100%**	**495**	**100%**

Length of stay		
0-3 months	192	9%
4-6 months	318	16%
7-12 months	691	34%
13-18 months	376	18%
19-24 months	253	12%
25+ months	216	11%
Total	**2,046**	**100%**

Notes: * New felony: Included revocations for a new felony offense committed while on probation. New misdemeanor: Includes revocations for a new misdemeanor offense committed while on probation. Technical: Includes revocations for technical probation supervision violations (i.e. drug use, non-compliance).

Source: Colorado Judicial Branch. (2019). *Annual statistical report fiscal year 2019*. Denver, CO: Supreme Court of Colorado. Available at https://www.courts.state.co.us/Administration/Unit.cfm?Unit=annrep.

Colorado Division of Youth Services (DYS)

The mission of the Division of Youth Services in the Department of Human Services is to protect, restore, and improve public safety through a continuum of care that provides effective supervision, promotes accountability to victims and communities, and helps youth lead constructive lives through positive youth development.

The Division of Youth Services (DYS) provides for the care and supervision of youth committed by the District Court to the custody of the Colorado Department of Human Services. DYS operates 10 secure facilities that serve youth between the ages of 10-21 who are pre-adjudicated or committed. In addition to residential programming and treatment services, DYS administers juvenile parole services throughout Colorado.

The year-to-date average daily DYS population as of June 2019 was 1,045.4, including all youth served in detention, commitment, and parole. This is seven percent less than the population at the end of the prior fiscal year, and 47 percent fewer than at the end of FY 2010. A total of 4,324 unique juveniles were served by DYS during FY 2019.

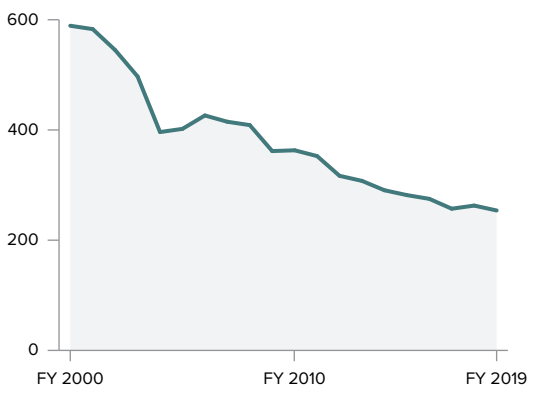
Source: Division of Youth Services. *Monthly population reports*. Denver, CO: Colorado Department of Human Services; Division of Youth Services (2020). *Fiscal year 2018-2019 Management Reference Manual*. Denver, CO: Colorado Department of Human Services.

Detention

Detention is the custodial status of youth who are being confined or supervised after arrest or while awaiting the completion of judicial proceedings. Detained youth are served in secure state-operated or staff-secure (privately operated) facilities. Some detained youth are served in nonresidential, community-based supervision programs.

DYS is responsible for the operation of Colorado's juvenile detention "continuum." The continuum consists of community-based screening to determine detention needs, community supervision strategies, and secure detention in youth centers operated by or contracting with DYS.

Figure 4.32. **Juvenile detention average daily population, FY 2000-FY 2019**



Source: Division of Youth Services. *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services.

- At 254, the detention average daily population (ADP) at the end of FY 2019 was three percent less than it was at the end of the prior fiscal year. This is 30 percent less than it was at the end of FY 2010, and 52 percent less than it was at the end of FY 2000.
- In FY 2019, the average length of stay (LOS) for a youth in detention was 17.8 days
- New detention admissions for FY 2019 decreased by eight percent, to 5,145. This was the lowest figure observed in well over 25 years.
- 3,137 unique individuals were in detention during FY 2019.
- In FY 2019, 76 percent of new detention admissions were males and 24 percent were females.
- The average age at admission was 16.1 years. This has remained very consistent over the years.
- Most (64 percent) of the youth detained had one or more prior admissions.
- Half of the youth detained were on a pre-adjudication or pre-trial status, and another 40 percent were detained due to warrants or remands. Only four percent had actually been sentenced to detention.
- Six percent of detained youth were serving a probation or commitment sentence and were placed in detention due to new charges or technical violations.

Table 4.12. **Demographic information: Juvenile detention, FY 2019**

	New admissions	
	N	%
Gender		
Male	3,897	75.7%
Female	1,248	24.3%
Ethnicity		
Anglo-American	1,980	38.5%
African-American	991	19.3%
Hispanic/Latino	1,936	37.6%
Other	238	4.6%
Age		
Average age at admission		16.1 years
Prior admissions		
None	1,861	36.2%
One	947	18.4%
Two or more	2,337	45.4%
Program type		
State operated	5,096	99.0%
Privately operated	49	1.0%
Detention reason		
Pre-adjudicated	2591	50.4%
Detention sentence	144	2.8%
Warrants/remands	2063	40.1%
Sentenced to probation	275	5.4%
DYS committed	41	0.8%
Other	31	0.6%
Total	**5,145**	**100.0%**

Source: Division of Youth Services (2020). *Fiscal year 2018-2019 Management Reference Manual*. Denver, CO: Colorado Department of Human Services.

A review of trends in the detention average daily population (ADP) over the past 20 years shows a steady decline in ADP since the high of 545 in FY 2002.

- ***In 2003, Senate Bill 2003-286 established a 'capitation' or limit of 479 on the number of State funded detention beds. This legislation was implemented on October 1, 2003, mandating that the detention population could never exceed 479.***
- ***Senate Bill 2011-217 further lowered this bed limit 422, effective July 1, 2011.***
- ***Senate Bill 2013-177 again reduced the bed cap for detention facilities from 422 to 382. At that time, the population had already been substantially below 382 since 2009.***
- ***Most recently, Senate Bill 2019-210 reduced the cap from 382 beds to 327 beds. The population has been below that cap since 2012.***

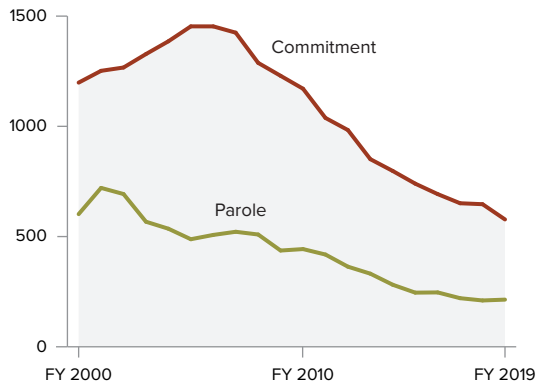
Commitment

Commitments are dispositions of juvenile cases resulting in the transfer of legal custody to the Colorado Department of Human Services (CDHS) as a result of an adjudicatory finding on charges of delinquent acts committed by the youth. The Division of Youth Services (DYS), within CDHS, operates a full continuum of services for committed youth through a Continuum of Care model. The Continuum of Care guides the activities of the Division throughout the commitment process from the initial assessment, to residential placement, transition, parole supervision and services.

Every committed youth exiting DYS must serve six months of mandatory parole. Cases may be extended by 15 months. The Colorado Juvenile Parole Board hears the cases of each youth preparing for parole, sets terms and conditions and has the authority to modify, suspend or revoke parole.

DYS is also responsible for the operation of the juvenile parole system, which includes providing parole supervision to each committed youth. A youth's parole officer is also their "client manager" and is assigned to the youth upon commitment. The client manager guides the youth throughout their commitment, ensuring the youth receives the services that meet their specific needs.

Figure 4.33. **Juvenile commitment and parole average daily populations, FY 2000-FY 2019**



Source: Division of Youth Services. *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services.

- As shown in Figure 4.33, the ADP of committed juveniles has steadily declined every year since FY 2006. In FY 2019 alone, the population fell 11 percent.
- The juvenile parole average parole daily caseload (ADC) has demonstrated a pattern of decline since FY 2001. However, the ADC did increase very slightly, by 2 percent, during FY 2019.

Table 4.13. **Demographics: Juvenile commitments, FY 2019**

	New commitments	
	N	%
Gender		
Male	241	82.3%
Female	52	17.7%
Ethnicity		
Anglo-American	107	36.5%
African-American	66	22.5%
Hispanic/Latino	112	38.2%
Other	8	2.7%
Age		
Average age at commitment		16.9 years
Offense type		
Person	115	39%
Property	74	25%
Drug	18	6%
Weapons	52	18%
Other	34	12%
Sentence type		
Non-mandatory	208	71.0%
Mandatory	37	12.6%
Repeat	17	5.8%
Violent	9	3.1%
Aggravated	21	7.2%
Data not available	1	0.3%
Total	**293**	**100.0%**

Source: Division of Youth Services (2020). *Fiscal year 2018-2019 Management Reference Manual*. Denver, CO: Colorado Department of Human Services.

- The percentage of new commitments comprised of females increased from 14 percent in FY 2018 to 18 percent in FY 2019.
- The average age at commitment for FY 2019 was 16.9 years.
- The majority of youth (71 percent) were serving non-mandatory sentences. These sentences specify no minimum out-of-home time, and the maximum sentence length cannot exceed 24 months. The remainder were serving mandatory sentences, which specify an out-of-home placement for a minimum time frame of up to 24 months.
- Seven percent of committed youth were considered to be aggravated offenders. This proportion has increased over the last two years, with previous years averaging between two and three percent. These sentences specify a time period of three to seven years, during which time a youth must remain in the custody of the Department of Human Services.
- The average age at first adjudication was 15.2 years.
- 65 percent of committed youth had one or more prior out-of-home placements.
- 84 percent were assessed as needing substance abuse treatment, and 62 percent were assessed as needing formal mental health intervention.
- Newly committed females demonstrated higher needs than did males.
    - 89 percent of females demonstrated a need for substance abuse treatment, and 88 percent were in need of mental health interventions, compared to 83 percent and 60 percent for males, respectively.

Table 4.14. **Commitment client profile, FY 2019**

	New commitments	
	N	%
Prior out-of-home placements		
None	102	34.8%
One	49	16.7%
Two or more	142	48.5%
Runaway history*		
Non runaway history	53	18.1%
Runaway history	240	81.9%
Assessed substance abuse counseling needs**		
No treatment	42	14.3%
Treatment needed	247	84.3%
Unknown	4	1.4%
Assessed mental health needs***		
No formal intervention needed	97	33.1%
Formal intervention needed	182	62.1%
Unknown	14	4.8%
Average age at first adjudication		
Average age at first adjudication		15.2 years
Total	**293**	**100.0%**

Notes: * Refers to running away from a secure or nonsecure placement as well as from home during the 12 months prior to commitment. ** Substance abuse history and treatment needs are assessed within one month of commitment. Youth with minimal substance abuse history and/or treatment needs are identified for prevention services whereas those reporting the greatest history of abuse and treatment needs are targeted for substance abuse treatment services. *** Colorado Client Assessment Record (CCAR) used to assess the mental health needs within one month of commitment. Percentages are based on total new commitment CCARs given and do not include missing data.

Source: Division of Youth Services (2020). *Fiscal year 2018-2019 Management Reference Manual*. Denver, CO: Colorado Department of Human Services.

Commitment discharge

Table 4.15. **Demographics: Discharges from DYS, FY 2019**

	Discharges	
	N	%
Gender		
Male	335	84.8%
Female	60	15.2%
Ethnicity		
Anglo-American	147	37.2%
African-American	75	19.0%
Hispanic/Latino	167	42.3%
Other	6	1.7%
Age		
Average age at discharge		18.6 years
Discharge placement		
Parents	154	39.0%
Independent living	69	17.5%
Adult jail/corrections	73	18.5%
Relative	33	8.4%
Juvenile detention	21	5.3%
Child welfare	7	1.8%
Homeless	8	2.0%
Escape	1	0.3%
Other	29	7.3%
Total	**395**	**100.0%**
Length of stay (months)		
Commitment		18.8 months
Parole (parole releases only)		7.7 months
Total commitment		26.7 months
Total	**395**	**100.0%**

Source: Source: Division of Youth Services (2020). *Fiscal year 2018-2019 Management Reference Manual*. Denver, CO: Colorado Department of Human Services.

- The average length of stay (LOS) from the time of commitment to parole release was 18.8 months for youth discharging their commitment sentence in FY 2019. On average, an additional 7.7 months were spent on parole.
- The largest proportion of youth were discharged to the custody of their parents (39 percent), and another 8 percent were released to relatives. Eighteen percent were released to independent living.
- 19 percent discharged directly into adult jail or prison, and 5 percent went to juvenile detention.

Juvenile commitment population trends and forecast

The Division of Criminal Justice is mandated to provide projections of the DYC commitment and detention populations annually. These projections are developed utilizing data concerning historical monthly trends in detention and commitment populations. Time series analyses are applied to data derived from these historical trends, producing a variety of scenarios. The model displaying both the best fit to the actual data and the most reasonable outcomes given recent changes in laws and policies, trends in juvenile delinquency filings and probation revocations, and population forecasts prepared by the Colorado Demographer's Office is selected as the final forecast.

The two factors driving the size of the population committed to the DYS are the number of youth receiving a commitment sentence, and the length of their incarceration. The number of new commitments to the DYC declined consistently between FY 2005 and FY 2016.[5] As expected, the ADP also began to fall the following year, after a decade of growth. This decline stabilized in FY 2017, and reversed slightly in FY 2018 with a 3.9 percent increase in admissions across the year. However, new commitments declined dramatically, by 26.5 percent, across FY 2019. This decline has continued into FY 2020, with 23.2 percent fewer new admissions during the first 5 months of the year than occurred during the first 5 months of FY 2019. This degree of decline in commitments to DYS is unprecedented, resulting in fewer admissions than observed over the past 50-plus years. This reduction coincides with the following factors:

- Juvenile probation revocations have fallen each year, most notably by 18.5 percent in FY 2019, following a decrease of 10.7 percent in FY 2019. While the proportion of these revocations that result in a DYS commitment has increased in recent years (from 32.5 percent in FY 2015 to 39.1 percent in FY 2018), the decrease in the number of revocations outweighs the increase in the proportion sent to DYS.[6]
- The rate of new commitments per 100,000 juveniles aged between 13 and 17 in Colorado has fallen 43.0 percent in just the past 5 years. This trend is expected to continue.
- Growth in the juvenile population in Colorado is now slowing after a period of growth. Most relevantly, forecasts concerning the population between the ages of 13 and 17 indicate a decline in upcoming years.[7]
- The development of diversion programs as alternatives to incarceration, mandated caps on sentence placements, and changes to parole terms will all serve to drive the commitment, detention, and parole caseloads down.
- Senate Bill 19-108 created the Juvenile Justice Reform Committee, which is tasked with developing assessment and screening tools for risk and needs, mental health needs, and diversion program eligibility. It also requires the development of a length-of-stay matrix for commitment populations to determine when committed youths are eligible for release. It requires the Working Group for Criteria for the Placement of Juvenile Offenders to create a screening tool to determine whether a juvenile should

[5] Colorado Department of Human Services. *Management Reference Manuals*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.; *Monthly Population Reports*. Denver, CO: Colorado Department of Human Services, Office of Children, Youth and Family Services, Division of Youth Corrections.

[6] Colorado State Judicial Branch. *Colorado Judicial Branch Annual Reports*. Denver, CO: Colorado Judicial Branch; Colorado State Judicial Branch. *Colorado Judicial Branch Annual Recidivism Reports*. Denver, CO: Colorado Judicial Branch, Division of Probation Services.

[7] Colorado Department of Local Affairs, State Demography Office, accessed 12/28/2019. Available at https://demography.dola.colorado.gov/population/data/.

receive a sentencing alternative to detention. The bill also allows for and funds juvenile diversion program contracts, and makes changes to the juvenile probation system. It is anticipated that the bill will decrease the number of commitments to DYS, the parole caseload, and detentions. Additionally, it is expected to reduce the length of stay for committed youths.

Note, however, a number of elements provide some upward pressure on the size of the committed population, which could contribute to a slowing in the degree of decline.

- Juvenile delinquency court filings had consistently declined every year between 2000 and 2017 (with the exception of FY 2015 when filings increased slightly, by 1.7 percent).
- However, the degree of decline slowed to less than half a percent (0.3 percent) in FY 2018, followed by a very slight increase (0.2 percent) in FY 2019. If the declining trend in delinquency filings stabilizes or reverses, the decline in the committed population will likely slow as well.

5

Recidivism

Recidivism refers to subsequent contact with the criminal justice system by an individual who previously was involved in the justice system, usually within a specific time period.

Recidivism figures are often difficult to compare across studies because of differences in methodology. Even minor changes—in the population selected, in the time period under study, in data available for analysis—can affect the findings in important ways.

Here are some things to keep in mind when reviewing recidivism studies:

- Individuals with more serious criminal histories tend to have higher recidivism rates.
- The longer the follow-up period, the higher the failure rate, but the majority of individuals who re-enter the system do so within the first 18 months.
- Community supervision programs may increase the failure rate due to increased surveillance. Or, these can decrease the failure rate when services and assistance enhance outcomes.
- It is possible to predict the risk of recidivism by using well-researched assessment tools. While these instruments have limitations, and must be evaluated for race/ethnic bias, they offer significant improvements and advantages over professionals' "best guess" about future risk.

This section provides information on recidivism rates for those serving sentences in a variety of placements in Colorado including probation, the Division of Youth Services, community corrections and prison.

Defining recidivism in Colorado

Recidivism describes the relapse into criminal behavior, or the commission of a subsequent crime, following an original contact with the justice system. Recidivism rates reported by researchers often vary considerably depending on the study method used, the group studied, the quality and availability of recidivism data (often referred to as *outcome data*), and the length of the follow-up period.

In general, researchers in Colorado use two definitions of recidivism:

- **Pre-discharge recidivism**: A court filing or adjudication for a new felony or misdemeanor offense that occurred prior to discharge of the individual's sentence. This refers to failure *during* the sentence (or program) placement, usually either from probation, community corrections, or parole. Often technical violations of the conditions of supervision are also included as failure events.
- **Post-discharge recidivism**: A court filing or adjudication for a new felony or misdemeanor offense that occurred within a defined period of time, usually one or two years, following discharge from the sentence. This measure taps a period when the individual is no longer under jurisdiction of the justice system.

Additional information is also important when considering recidivism:

- How serious is the population being studied? That is, individuals with longer or more severe criminal histories can be expected to have higher recidivism rates.
- How many individuals failed the placement not due to a new crime but as a result of a technical violation alone? Technical violations generally result in more restrictive and expensive placements and have a significant impact on overall costs yet these behaviors seldom threaten public safety.
- What are the characteristics of individuals who succeed and fail in placements? This information can assist in program development efforts to reduce recidivism rates.

Studies show that the risk factors that led to the initial criminal behavior are generally the same factors that contribute to recidivism. For this reason, past criminal behavior is a strong predictor of future criminal behavior.

Interrupting this cycle requires interventions that are based on an understanding of the characteristics of individuals who do and do not return to crime. Research shows that those who participate in well-delivered and empirically-based services that address their specific needs are more likely to stay crime-free.

Recidivism of probation terminations in FY 2019

In September of 2019, the Judicial Department's Division of Probation Services (DPS) published its annual recidivism report.[1] This report presents both probation supervision outcomes (pre-discharge recidivism) and one-year recidivism (post-discharge recidivism) rates. Post-discharge recidivism is measured by a new felony or misdemeanor filing). Historically, recidivism rates only vary by a few percentage points from year to year.

Juveniles on probation: Program completion/ pre-discharge outcomes

- In FY 2018, 63.3 percent of juveniles successfully terminated from regular probation supervision. This was very similar to the prior year's success rate which was 63.0 percent.
- 20.4 percent of youth failed probation due to technical violations.
- 6.9 percent of juveniles failed while under supervision for criminal behavior that resulted in a new misdemeanor or felony adjudication or conviction.
- Risk level of juveniles on probation was associated with case outcome: 1.1 percent of minimum risk youth on regular probation were filed for a new crime compared to 14.4 percent of maximum risk youth. Technical violations also increased as assessed risk level increased.
- 25 percent of the 38 juveniles who were terminated from the Juvenile Intensive Supervision Program (JISP) in FY 2018 successfully completed the program; 22.4 percent failed with a technical violation and 5.3 percent received court filings for new offenses. Use of the JISP program declined substantially, from 514 probationers in 2007 to 152 probationers in 2018.

Table 5.1. **Risk level and supervision outcomes of juveniles terminated from regular probation in Colorado in FY 2018 (N=2,319)**

	Proportion of total	Outcome			
Risk level		Success	TV*	New crime	**Total**
Minimum	35.3% (819)	86.2% (706)	3.9% (32)	9.9% (81)	**100%**
Medium	30.3% (703)	68.8% (484)	13.5% (95)	17.6% (124)	**100%**
Maximum	19.2% (445)	40% (178)	36% (160)	24.1% (107)	**100%**
Administrative**	14.8% (343)	27.4% (94)	53.9% (185)	18.6% (64)	**100%**
Unclassified	0.38% (9)	66.7% (6)	0% (0)	33.3% (3)	**100%**
Overall***	**100% (2,319)**	**63.3% (1,468)**	**20.4% (472)**	**16.4% (379)**	100%

Notes: * Technical Violation. ** "Administrative" is a classification category used to denote individuals who were under the jurisdiction of probation, but who may have been supervised by other agencies, including county jails, detention centers, various residential placements, or on a "banked" probation caseload but may have been otherwise classified at any one of the designated risk levels (i.e. minimum, medium, maximum). *** Misdemeanor filings from Denver County are not available and are excluded.

Source: Adapted from Crites, E. (2019). *Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2018 Releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit.

[1] Crites, E. (2019). *Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2018 Releases*. Denver, CO: Colorado Division of Probation Services. Research and Evaluation Unit. This report includes outcomes of offenders serving sentences with private probation agencies under contract with the Division of Probation Services Available at https://www.courts.state.co.us/userfiles/file/Court_Probation/01st_Judicial_District/FY19_Recid_Report_FINAL.pdf

Success rates vary by level of risk presented by the individual. Those considered higher risk are supervised more intensely. In FY 2018, one-third (35.1 percent) of juveniles on regular probation were classified as minimum risk, and 86.2 percent successfully completed their sentence.

Juveniles on probation: Recidivism one year later

- In FY 2018, 86.9 percent of 1,688 juveniles who successfully completed regular probation remained crime-free in the following 12 months.
- 13.1 percent received a new court filing for subsequent criminal behavior.
- 71.4 percent of the 28 youth completing the JISP program remained crime-free after one year.

Adults on probation: Program completion/ pre-discharge outcomes[2]

- Of the 36,607 adult probationers terminated from regular probation in FY 2018, 64.7 percent successfully completed, compared to 66.6 percent in FY 2017.
- 28.5 percent failed probation due to technical violations in FY 2018, compared to 26.6 percent in FY 2017.
- The percent of adults on regular probation who are convicted of a new criminal offense while serving their probation sentence is fairly consistent year to year. In FY 2018, 6.8 percent were convicted of a new crime, compared to 6.9 percent in FY 2017.
- Nearly half (49.5 percent) of adults were considered minimum risk, and only 1.0 percent of this lower risk group was convicted of a new crime while under supervision. Comparatively, 7.7 percent of the adult probationers were categorized at the highest risk level, and 24.9 percent of this group was convicted of a new crime.

Table 5.2. **Risk level and supervision outcomes of adults terminated from regular probation in Colorado in FY 2018 (N=36,607)**

	Proportion of total	Outcome			
Risk level		Success	TV*	New crime	**Total**
Minimum	49.5% (18,117)	95.0% (17,209)	4.0% (721)	1.0% (187)	**100%**
Medium	17.3% (6,335)	74.3% (4,707)	18.5% (1,175)	7.2% (453)	**100%**
Maximum	7.7% (2,831)	27.6% (780)	47.5% (1,345)	24.9% (706)	**100%**
Administrative**	25.4% (9,293)	10.5% (978)	77.2% (7,171)	12.3% (1,144)	**100%**
Unclassified	0.1% (31)	64.5% (20)	25.8% (8)	9.7% (3)	**100%**
Overall***	**100% (2,319)**	**64.7% (23,694)**	**28.5% (10,420)**	**6.8% (2,493)**	100%

Notes: * Technical Violation. ** "Administrative" is a classification category used to denote individuals who were under the jurisdiction of probation, but who may have been supervised by other agencies, including county jails, detention centers, various residential placements, or on a "banked" probation caseload but may have been otherwise classified at any one of the designated risk levels (i.e. minimum, medium, maximum). *** Misdemeanor filings from Denver County are not available and are excluded.

Source: Source: Adapted from Crites, E. (2019). *Pre-release termination and post-release recidivism rates of Colorado's Probationers: FY2018 Releases*. Denver, CO: Colorado Division of Probation Services, Research and Evaluation Unit.

[2] Ibid.

- 51.6 percent of the 211 adult probationers in the Female Offender Program (FOP) in FY 2018 successfully completed the program; 33.2 percent failed due to a technical violation, and 15.2 percent failed by obtaining a new filing charge.
- 55.5 percent of adults in intensive supervision probation completed successfully; 28.0 percent failed due to a technical violation, and 16.4 percent failed by obtaining a new filing charge.

Adults on probation: Recidivism one year later

- In FY 2018, 94.6 percent of 23,694 adults who successfully completed regular probation remained crime-free after one year.
- 85.1 percent of those who received maximum supervision remained crime free in the 12 months after their probation sentence ended.
- 5.4 percent of adults successfully completing regular probation in FY 2007 received a new court filing for misdemeanor or felony crimes during the following year.
- 82.2 percent of the 107 individuals who completed a specialized probation program remained crime free after one year.

Risk level, which is usually measured in part by the extent of the individual's prior criminal history, significantly drives recidivism outcomes. Those considered higher risk are supervised more intensely and can be expected to fail at higher rates. This is also the population that is generally in greatest need of additional services in addition to supervision.

Recidivism of juveniles committed to the Division of Youth Services

On June 1, 2020 the Research and Evaluation Unit of the Division of Youth Services (DYS) published its annual recidivism report.[3] The DYS presents information on post-discharge recidivism at one, two, and three-years. This is measured as a *new court filing for a new felony or misdemeanor offense* following completion of the DYS sentence. It is important to note that all youth sentenced to DYS are required to participate in six months of parole following their DYS sentence; they are discharged upon completion. A total of 377 youth were discharged from DYS between July 1, 2017 and June 30, 2018.

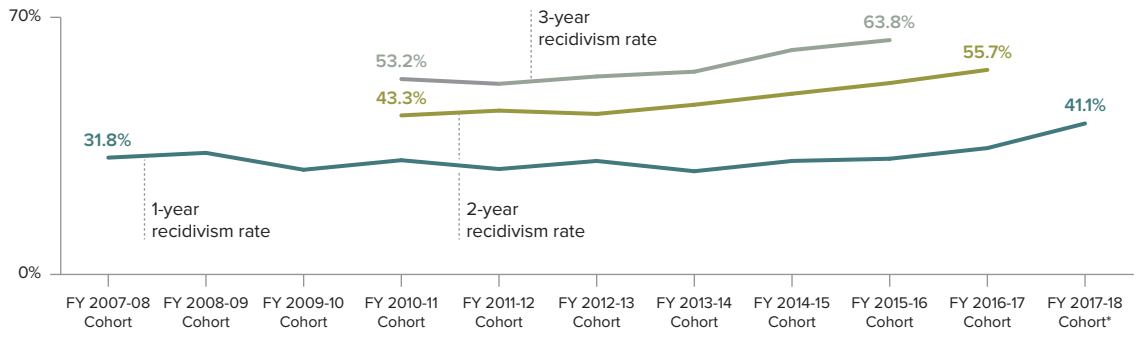
In FY 2017-2018, 88 percent of the population committed to DYS was assessed as having substance abuse service needs.[4]

Post-discharge recidivism

The Colorado Division of Youth Services (DYS) one, two, and three year post-discharge recidivism rates for committed youth can be found in Figure 5.1. DYS also combined three consecutive, 1-year recidivism data sets to create an analysis cohort that is large enough to perform predictive analytics. DYS researchers conducted a regression analysis on this cohort to identify predictors of recidivism among the juvenile offender population. These predictive factors and their associated odds ratios can be found in Table 5.3.

- Historically, the one-year post-discharge recidivism rate for juveniles discharged from DYS has been around 31%.[5]
- The most recent one-year, two-year, and three-year recidivism rates have been 41.1 percent, 55.7 percent, and 63.8 percent, respectively.

Figure 5.1. **Recidivism rates over time: Youth committed to DYS**



Note: * The large increase in the 1-year recidivism rate seen in FY 2017-18 can be attributed to, at least partially, to the decreasing number of those admitted to DYS, and an abnormal increase in recidivism among females in the cohort (24.7% in FY 2016-17 to 31.5% in FY 2017-2018).

Source: Colorado Division of Youth Services. (2020). *Recidivism Evaluation of the Colorado Division of Youth Services*. Available at https://drive.google.com/drive/folders/0B32vshZrERKsWkZ6UjV1ODhyWjA

[3] Colorado Division of Youth Services (2020) Recidivism Evaluation of the Colorado Division of Youth Services. Available at https://drive.google.com/file/d/1PAdUFbFPYp0MpdjbSMSvuKZkHgAtQJ47/view?usp=sharing

[4] Ibid.

[5] Ibid.

- According to DYS analysis, parolees with three or more prior adjudications were 1.8 times more likely to recidivate than the rest of the discharged population.
- Males were 1.9 times more likely to recidivate than females.

Table 5.3. **Characteristics predictive of recidivism**

	Recidivists	Odds ratio*
Gender	Male	1.9
Prior adjudications	Three or more	1.8
Parole rating at discharge	Unsatisfactory	2.1
CJRA overall risk level at discharge	High risk	1.4

Notes: * The odds ratio represents the odds than an outcome (being a recidivist) will occur given the presence of certain characteristics.

Source: Colorado Division of Youth Services. (2020). *Recidivism Evaluation of the Colorado Division of Youth Services*. Available at https://drive.google.com/file/d/1PAdUFbFPYp0MpdjbSMSvuKZkHgAtQJ47/view?usp=sharing

Researchers at DYS examined the types of crimes committed by those who recidividated during the three years post-discharge:

- The majority of new crimes were misdemeanors (54.2 percent) and were offenses that did *not* fall under Colorado's Victim Rights Act (73.3 percent).
- The most common offenses were property crimes.
- 79 percent of all new crimes occurred in the first year after discharge; youth with a larger number of total recidivist acts tended to recidivate sooner compared to youth with fewer recidivist acts.
- Youth who obtained a poor or unsatisfactory parole adjustment rating by case managers were 2.1 times more likely to recidivate compared to youth with a satisfactory or excellent rating. Only 36.5 percent of recidivists were discharged with a satisfactory or excellent parole rating.
- Youth with new filings were significantly younger at their first adjudication compared to those who did not receive new filing charges.
- Youth with more prior contacts with the juvenile justice system (as measured by prior detention admissions and prior adjudications) were more likely to recidivate when compared with youth with no prior contacts.

Recidivism of Community Corrections participants

The Division of Criminal Justice's Office of Research and Statistics (ORS) publishes recidivism rates for those successfully completing community corrections programs on an interactive dashboard. The dashboard can be located at: https://ors.colorado.gov/ors-commcorr

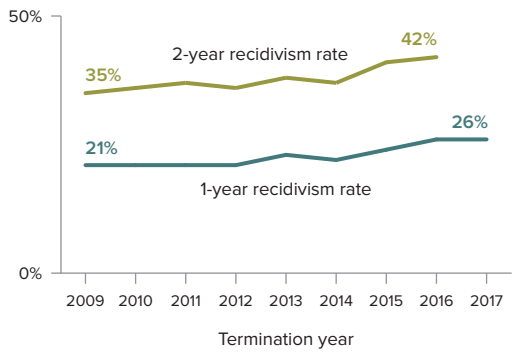
Recidivism is defined as a new misdemeanor or felony court filing within one or two years of successful program completion. Data concerning filings in Denver county court are not available, so such filings are excluded.

Of all individuals who successfully completed a regular residential community corrections program in FY 2017, 74 percent remained crime-free for 12 months following termination, and 57 percent remained crime-free for 24 months. Recidivism varies by the legal status of participants:

- Diversion clients who successfully completed residential community corrections recidivated at a rate of 24 percent within 12 months and 42 percent within 24 months.
- Transition clients who successfully completed residential community corrections performed very similarly: their recidivism rates were 26 percent within 12 months and 42 percent within 24 months.
- Those participating in residential community corrections as a condition of their parole recidivated at somewhat higher levels. These individuals demonstrated recidivism rates of 34 percent within one year and 50 percent within two years.

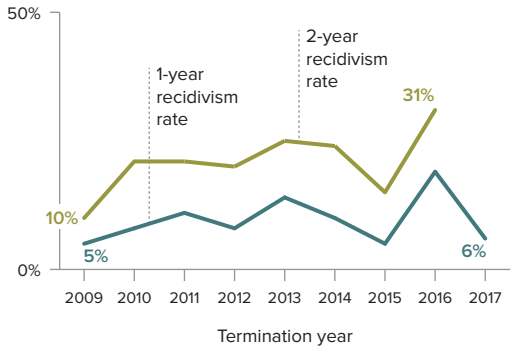
Those participating in community corrections Therapeutic Community programs had better outcomes than those in regular community corrections programs. Overall, clients successfully terminated from these programs in 2017 recidivated at a rate of six percent within 12 months, and those who terminated in 2016 recidivated at a rate of 31 percent within 24 months. Because much smaller numbers of community corrections clients participate in these programs, breakouts by legal status will not be provided here.

Figure 5.2. **Recidivism rates among successful terminations from regular residential community corrections programs**



Source: Colorado Division of Criminal Justice, Office of Research and Statistics. *Recidivism Interactive Dashboard*. Available at https://ors.colorado.gov/ors-recidivism

Figure 5.3. **Recidivism rates among successful terminations from therapeutic community corrections programs**



Source: Colorado Division of Criminal Justice, Office of Research and Statistics. *Recidivism Interactive Dashboard*. Available at https://ors.colorado.gov/ors-recidivism

What are the characteristics of those who are charged with new crimes?

The Division of Criminal Justice's Office of Research and Statistics (ORS) conducted an in-depth analysis of recidivism rates for 2,658 individuals who successfully completed a community corrections program in 2014.[6] As above, recidivism was defined as a new district or county court filing within 12 months and 24 months of successful program completion, excluding filings in Denver County Court. Findings regarding the characteristics of recidivists include:

- Women demonstrated significantly lower recidivism rates, at 15 percent within one year and 30 percent within two years. Men, in comparison, demonstrated one- and two-year recidivated at rates of 23 percent and 39 percent, respectively.
- Hispanic clients were the most likely to recidivate. One- and two-year recidivism rates for non-Hispanic clients were 20 percent and 35 percent, respectively. In comparison, recidivism rates for Hispanic clients were 24 percent at one year and 42 percent at two years.
- Clients who had previously been married recidivated less often than either single or currently married clients. Those who were divorced, widowed or separated recidivated at rates of 18 percent within one year and 31 percent within two years, compared to 22 percent and 39 percent within one year and two years (respectively) for those who were either currently married or who had never married.
- Higher levels of risk at intake were clearly associated with recidivism rates. Recidivism rates for low-risk clients were 8 percent after one year and 18 percent after two years, compared to 24 percent at one year and 42 percent at two years for high-risk clients.

[6] Linda Harrison. (2018). *Community Corrections in Colorado: Program Outcomes and Recidivism, Terminations January 2014-December 2016.* Denver, CO: Division of Criminal Justice, Colorado Department of Public Safety.

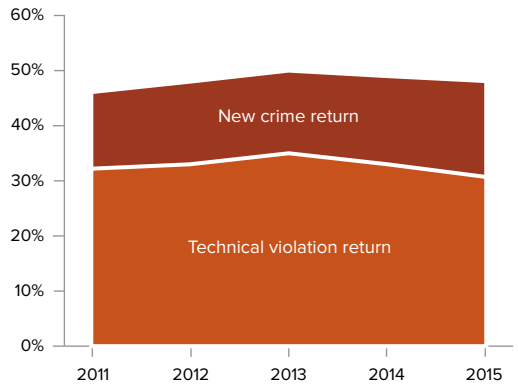
Three year return-to-prison rates of inmates released from the Department of Corrections in 2015

In November 2018, the Office of Planning and Analysis at the Colorado Department of Corrections published a recidivism study of individuals who returned to prison for either new criminal activity or a technical violation within three years of release.[7]

DOC uses return-to-prison within three years as the measure of recidivism.

- Nearly half (48.1 percent) of those released in 2015 returned to prison in Colorado within three years.
    - 43.9 percent of women returned and 48.8 percent of men returned.
- Three-year return to prison rates have varied little over the past five years, ranging between 46.1 percent and 48.1 percent.
- One-year recidivisms rates have declined between 2015 and 2018, from 30 percent to 25 percent reflectively; this figure includes returns for technical violations and new prison sentences.[8]

Figure 5.4. **Three-year return-to-prison rates for offenders released 2011-2015**



Source: Colorado Department of Corrections. (2019). *Statistical report: FY 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

The majority of individuals return to prison on technical violations. A parolee is about three times more likely to return to prison for a technical violation than for a new crime.

[7] Colorado Department of Corrections. (2019). *Statistical report: FY 2019*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

[8] Ibid.

6

Special features

- Colorado Commission on Criminal and Juvenile Justice
- Substance use disorders and the paucity of treatment services in Colorado
- Racial/ethnic disparities in the justice system
- Guiding principles of evidence based correctional practice

Colorado Commission on Criminal and Juvenile Justice

The Colorado Commission on Criminal and Juvenile Justice (Commission) was created in the spring of 2007 (see 16-11.3-102 and 16-11.3-103, C.R.S.). The Commission was renewed in 2013 (Senate Bill 13-007) and in 2018 (House Bill 18-1287). The Commission has 30 members who are required to meet at least monthly to "review information necessary for making recommendations to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources." As directed by statute, the work of the Commission focuses on evidence-based recidivism reduction initiatives and the cost-effective expenditure of limited criminal justice funds.

The statutory mission of the Commission on Criminal and Juvenile Justice is to enhance public safety, to ensure justice, and to ensure protection of the rights of victims through the cost-effective use of public resources.

C.R.S. 16-11.3-101 states that the Commission shall have the following duties:

- To conduct an empirical analysis of and collect evi-dence-based data on sentencing policies and practices, including but not limited to the effectiveness of the sentences imposed in meeting the purposes of sentencing and the need to prevent recidivism and re-victimization;
- To investigate effective alternatives to incarceration, the factors contributing to recidivism, evidence-based recidivism reduction initiatives, and cost-effective crime prevention programs;
- To make an annual report of findings and recommendations, including evidence-based analysis and data;
- To study and evaluate the outcomes of Commission recommendations as implemented;
- To conduct and review studies, including but not limited to work compiled by other stats pertaining to policies and practices in the criminal and juvenile justice systems. The Commission shall prioritize areas of study based on the potential impact on crime and corrections and the resources available for conducting the work; and
- To work with other state-established boards, task forces, or commissions that study or address criminal justice issues. Additionally, in 2008 the General Assembly passed House Bill 1119 modifying the duties of the Commission to include among its areas of study "the reduction of racial and ethnic disparities within the criminal and juvenile justice systems."

Guiding principles and goals of the Commission

Commission members agreed on the following Guiding Principles:

- Public safety should always be paramount in our thoughts.
- It is important that we are inclusive of all represented perspectives and areas of expertise, and that we commit to non-partisanship.
- We must question our own assumptions and trust each other to do the right thing.
- We should seek outside help for areas where we are lacking in knowledge.
- The impact our decisions will have on all of Colorado should be carefully considered, keeping in mind both large and small counties, as well as offenders and victims.
- To the best of our ability our decisions should be simple, and made with a sense of urgency.

- Any and all decisions should be data-driven and should be aimed at slowing penetration into the juvenile and criminal justice systems.
- We should be mindful that a need for treatment is not an adequate reason to incarcerate someone (other options should be available).

Commission focus and activities

The Commission identifies areas of study and forms task forces and subcommittees to undertake the work of identifying problem areas and makes recommendations for improvements. Recommendations are developed by task forces, subcommittees and working groups, and forwarded to the Commission for a vote of approval. For a recommendation to be approved by the Commission, 66 percent of the members must vote in favor.

Recommendations can involve business practices, agency policy, and statutory modifications. Since its inception, the Commission has made over 250 recommendations, and more than 60 Commission recommendations have become law, addressing such things as jail time credits, parole decision making, pretrial release and bonding practices, drug crime sentences, collateral consequences and probation eligibility. Information on legislative recommendations from the Commission can be found here: https://ccjj.colorado.gov/ccjj-recs

The Commission maintains a robust web site with information concerning its by-laws, structure, membership, and recommended readings. The Commission's annual report is also posted on its web site. To access this information, please go to https://ccjj.colorado.gov/

Substance use disorders and the paucity of treatment services in Colorado

Introduction

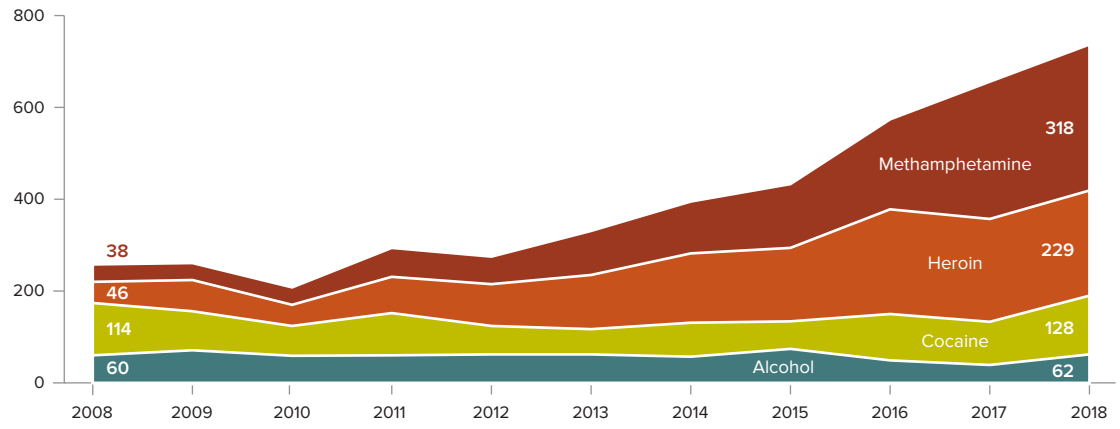
The United States is currently facing a public health crisis related to substance misuse, substance use disorders, and overdose. For instance, the National Center on Health Statistics reported that national rates of overdoses involving any opioid (including fentanyl and heroin) more than doubled from 2008 to 2018.[1] Further, the co-occurrence of substance use disorder and mental illness is very common: the National Institute of Drug Abuse considers drug addiction a mental illness. Unfortunately, many individuals experiencing this public health crisis become justice-involved. This discussion focuses on trends in substance use disorders, mental illness, drug seizures during arrests in Colorado, and service availability. While the justice system has tried to prioritize substance use treatment, this is challenging when many areas in Colorado lack access to behavioral health services.

Overdose deaths on the rise

Colorado's Department of Public Health and Environment (CDPHE) collects data on drug and alcohol-related deaths.[2] The agency reports that, in the last decade, there have been significant increases in overdose deaths related specifically to methamphetamine (including other psychostimulants with abuse potential) and heroin use. Between 2008 and 2018 the following increases occurred in Colorado:

- Overdose deaths involving methamphetamine increased eight-fold, from 38 to 318.
- Overdose deaths involving heroin increased nearly six times, from 46 to 229.
- Overdose deaths involving either alcohol and cocaine remained consistent averaging 61 alcohol-involved deaths and 124 cocaine-involved deaths.

Figure 6.1. **Drug and alcohol-related overdose deaths in Colorado, 2008-2018**

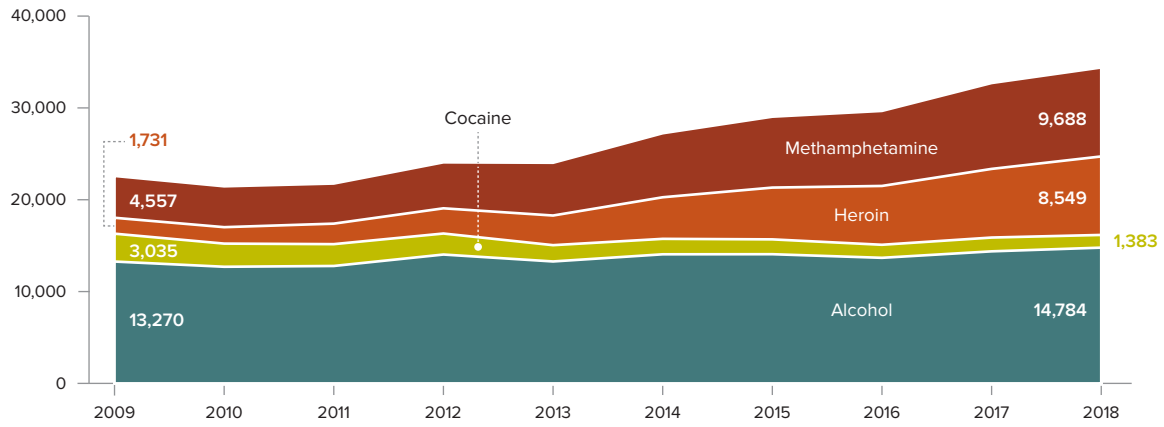


Source: Colorado Department of Public Health and Environment, Drug Overdose Dashboard. Opioid Overdose Prevention Program. Accessed 7/30/2020.

[1] Hedegaard, H., Miniño, A. M., & Warner, M. (2020). Drug overdose deaths in the United States, 1999-2018. *National Center on Health Statistics: Center for Disease Control and Prevention*. Available at https://www.cdc.gov/nchs/data/databriefs/db356-h.pdf

[2] Colorado Department of Public Health and Environment. (2020). Colorado Drug Overdose Dashboard. Available at https://cohealthviz.dphe.state.co.us/t/PSDVIP-MHPPUBLIC/views/DrugOverdoseDashboard/LandingPage?iframeSizedToWindow=true&:display_count=n&:showAppBanner=false&:origin=viz_share_link&:showVizHome=n&:isGuestRedirectFromVizportal=y&:embed=y

Figure 6.2. **Substance use treatment admissions in Colorado by primary drug, 2009-2018**



Source: Data provided by the Office of Behavioral Health, Colorado Department of Human Services and analyzed by DCJ/ORS.

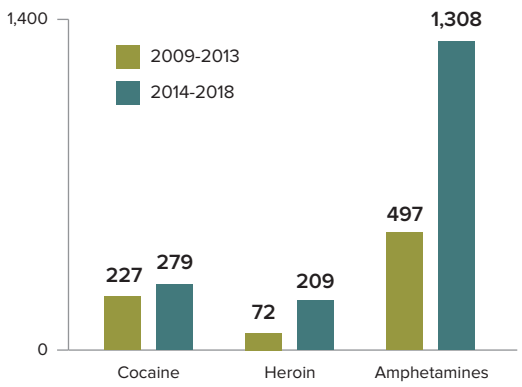
As can be seen in Figure 6.2, the rise in opioid- and methamphetamine-related overdose deaths match increases in admissions at treatment facilities for substance use disorders.[3]

Drug seizures on the rise

As reported by the Colorado Bureau of Investigation (CBI), between 2008 and 2018 the number of seizures of heroin tripled, as did seizures of amphetamines.[4] However, the number of seizures of cocaine remained fairly consistent during this period. The CBI also found an increase in the amount of drugs seized from 2009 to 2018. In comparing the amount of drugs seized by year for 2009-2013 (combined) and 2014-2018 (combined), the weight of seized drugs increased as follows:

- 163 percent increase in the weight of amphetamines seizures (497 to 1,308 pounds per year).
- 190 percent increase in the weight of heroin seizures (72 to 209 pounds per year).
- 20 percent increase in the weight of cocaine seizures (227 to 279 pounds per year).

Figure 6.3. **Pounds of drugs seized by drug category, Colorado, 2009-2018**



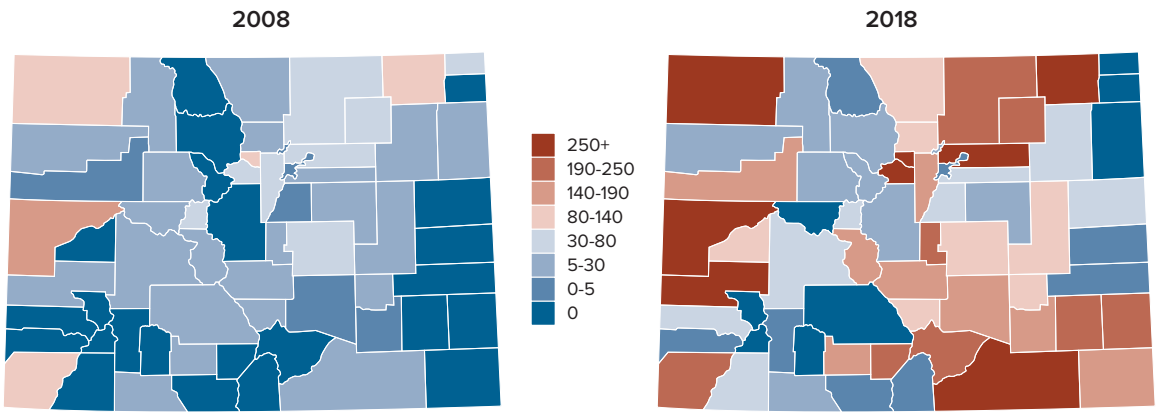
Source: Colorado Bureau of Investigation, National Incident-Based Reporting System. Extracted 6/15/2020.

These increases in amphetamine seizures occurred across the state (see Figure 6.4). Whereas in 2008 only two counties had more than 100 reported amphetamine seizures per 100,000 residents, by 2018 that increased to 29 counties.

[3] Drug/Alcohol Coordinated Data System (DACODS), Office of Behavioral Health, Colorado Department of Human Services.

[4] Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data: Available at https://coloradocrimestats.state.co.us/

Figure 6.4. **Seizures of amphetamines by law enforcement per 100,000 residents**



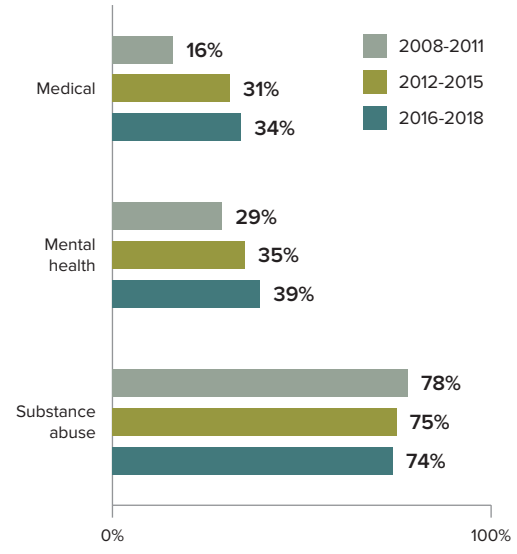
Source: Colorado Bureau of Investigation, National Incident-Based Reporting System, Extracted 6/15/2020.

Co-occurring mental health and substance use disorders

Substance use disorders often occur alongside mental illness, and co-occurring substance use disorders and mental illness is far more common among individuals within the criminal justice system than in the general public.[5,6] According to the National Alliance on Mental Illness (NAMI), approximately 19 percent of adults surveyed experienced mental illness in 2018. Of those, 20 percent also reported a substance use disorder.[7]

In Colorado, individuals with substance use disorder comprise approximately 75 percent of the prison population.[8] And while substance use disorder treatment needs among those in prison have largely gone unchanged over the last ten years, medical and mental health needs of individuals in prison have increased considerably. From 2008 to 2018, those reporting serious medical health needs more than doubled, from 16 to 34 percent. During this time, those reporting a high level of mental health needs increased by more than one-third, from 29 to 39 percent (Figure 6.5).

Figure 6.5. **Individuals in Colorado prisons assessed with high needs levels: 2008-2018**



Source: Colorado Department of Corrections Annual Statistical Reports.

[5] Grant, B. F., Stinson, F. S., Dawson, D. A., Chou, S. P., Dufour, M. C., Compton, W., Pickering, R. P., & Kaplan, K. (2004). Prevalence and co-occurrence of substance use disorders and independent mood and anxiety disorders: results from the National Epidemiologic Survey on Alcohol and Related Conditions. *Archives of general psychiatry, 61*(8), 807–816. Available at https://doi.org/10.1001/archpsyc.61.8.807

[6] In fact, according to the National Institutes of Health, drug addiction is a mental illness. See https://www.nimh.nih.gov/health/topics/substance-use-and-mental-health/index.shtml

[7] See https://www.nami.org/mhstats

[8] Colorado Department of Corrections. *Statistical reports FY 2008-FY 2018*. Available at https://www.colorado.gov/pacific/cdoc/departmental-reports-and-statistics

Individuals experiencing mental illness and substance abuse disorders encounter poorer outcomes within the criminal justice system. According to the most recent U.S. Department of Justice report on the mental health problems among individuals serving jail and prison sentences, the following shows these poor outcomes:[9]

- Fourteen percent of inmates with a mental illness were written up or charged with assault compared to 3 percent of the general inmate population.
- Of those incarcerated for five years or more, 43 percent had some mental illness compared to 29 percent of those with no previous incarceration time.
- 54 percent of individuals who returned to prison within three years had serious mental health needs, while 50 percent of those who returned to prison had serious substance use disorders needs.
- Of those incarcerated with one prior arrest, 12 percent had some mental illness compared to 49 percent of those with 11 or more arrests.

Gaps in access to health care

CDPHE collects data on all regulated health facilities in the state (Figure 6.6) and reports the following service availability:[10]

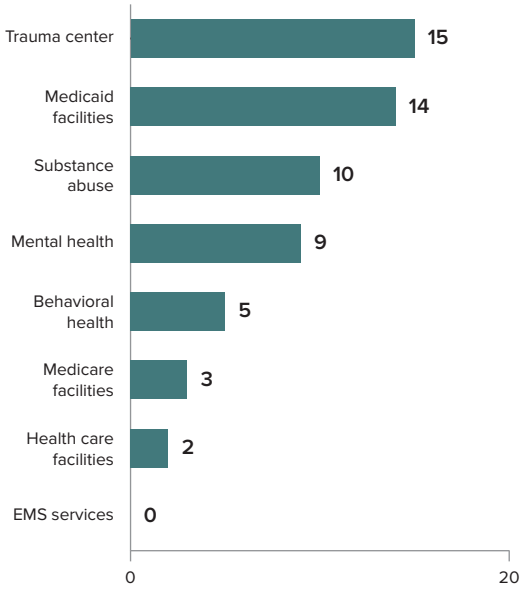
- 203 Emergency Medical Service providers in the state covering all 64 counties.
- 1,300 general health care facilities/two counties with no facilities.
- 419 Medicare facilities/three counties with no facilities.
- 219 Behavioral health facilities/five counties with no facilities
- 377 Medicaid facilities/14 counties with no facilities.
- 138 Trauma centers/15 counties with no facilities

In addition, the federal Substance Abuse and Mental Health Service Administration catalogues the number of licensed behavioral health treatment service providers, including mental health and substance abuse facilities (Figure 6.6), and reports the following facilities for Colorado:[11]

- 1,300 general health care facilities/two counties with no facilities.
- 149 mental health treatment facilities/nine counties with no facilities.
- 356 substance abuse treatment facilities/ten counties with no facilities.

Not only are some counties lacking access to any health care facilities, but there is significant variation in how many facilities are found in a given county (data not presented). These findings demonstrate the need to provide more access, and better targeted access, to healthcare services and facilities across Colorado.

Figure 6.6. **Number of Colorado counties without services, 2020**



Source: Colorado Department of Public Health and Environment, Health Facilities and Emergency Medical Services Division, Regulated Health Facilities; U.S. Substance Abuse and Mental Health Service Administration, Behavioral Health Treatment Service Providers.

[9] Bureau of Justice Statistics. (2017). *Indicators of Mental Health Problems Reported by Prisoners and Jail Inmates*. Office of Justice Programs, U.S. Department of Justice, Washington, D.C.

[10] Colorado Department of Public Health and Environment Open Data Collection March 2020. Available at https://data-cdphe.opendata.arcgis.com/search?tags=Facilities

[11] SAMHSA Behavioral Health Treatment Services Locator. Available at https://findtreatment.samhsa.gov/locator. Accessed June 15, 2020.

Conclusion

The data presented here, from the public health, behavioral health treatment and law enforcement sectors, demonstrate the widespread effects of the drug epidemic. Addressing Colorado's public health crisis will require increased investments in substance use prevention efforts and behavioral health treatment services. Behavioral health treatment is especially important to individuals involved in the criminal justice system who have a high demonstrated need for services.

Racial/ethnic disparities in the justice system

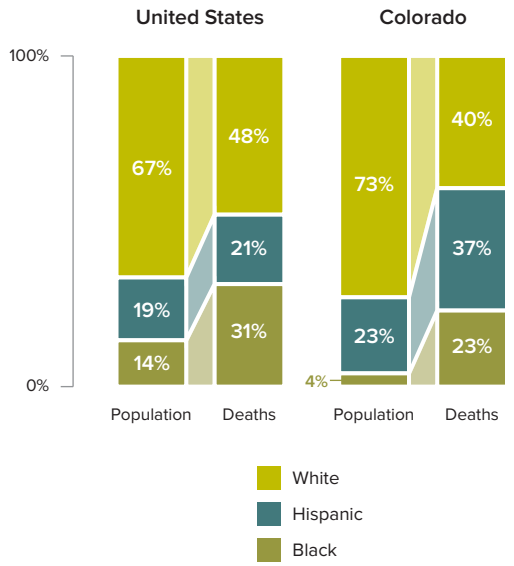
According to a 2018 national jail census (the most recent data available), 32 percent of inmates in the United States were Black.[12] Comparatively, only 13 percent of individuals in the United States were Black.[13] This overrepresentation of people of color – also known as disproportionate minority contact (DMC) – occurs throughout the criminal justice system. This section explores DMC in Colorado in terms of officer involved shootings, at arrest and at sentencing. Additional information on this topic may be found at https://ors.colorado.gov/ors-sb185

Law enforcement officer involved shootings in 2019

The most serious example of DMC is the percentage of people of color killed by police each year. Although Congress passed the Death in Custody Reporting Act in 2013 – legislation meant to collect data on police involved shootings – as of 2020 the bill has yet to be fully implemented.[14] While there is no official national census, some nonprofit organizations collect data on these issues. According the Mapping Police Violence Project, the following information is available for Colorado:[15]

- In 2019, 30 Coloradans were killed by police.
    - 23 percent of victims were Black while 4 percent of Colorado's population was Black.
    - 37 percent of victims were Hispanic while 23 percent of Colorado's population was Hispanic.

Figure 6.7. **Individuals killed by police, 2019**



Source: Mapping Police Violence Database. Extracted 6/14/2020.

Arrests in 2018

In 2018 more than 215,000 individuals were arrested in Colorado.[16] Among these arrests, the following disparities were found:

- 63 percent of arrests in 2018 were White subjects while Whites represented 68 percent of the Colorado population, and
- 12 percent of arrests were Black while Blacks represented 4 percent of the Colorado population.

There was little difference in the proportion of arrests of Blacks, Whites, and Hispanics for drug and property crimes (Figure 6.8). However, Blacks were more likely to be arrested for violent crimes.

[12] Zeng, Zhen. 2020. *Jail Inmates in 2018*. Bureau of Justice Statistics, U.S. Department of Justice, Washington, DC.

[13] U.S. Census Bureau 2019.

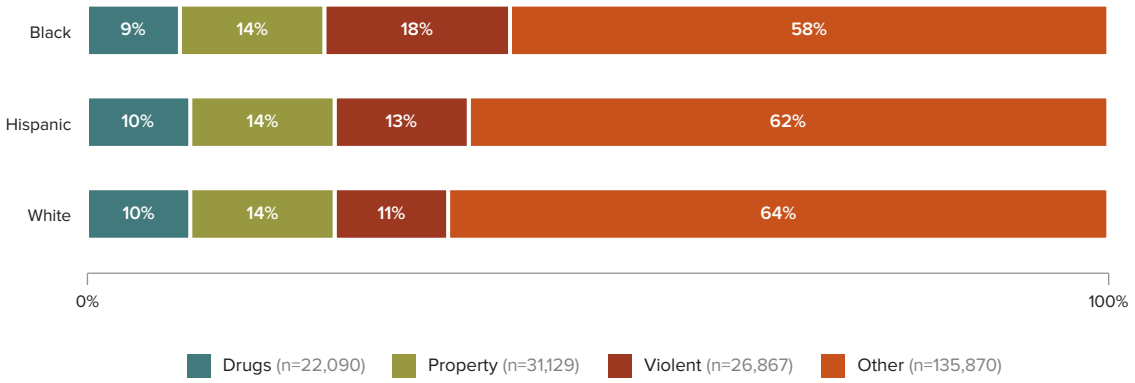
[14] *Deaths in police custody in the United States: Research review*. Available at https://journalistsresource.org/studies/government/criminal-justice/deaths-police-custody-united-states/

[15] See https://mappingpoliceviolence.org/aboutthedata

[16] Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) data. Extracted 05/18/2020. NOTE: 2018 arrest data are presented here because these data are more complete than 2019 as several large law enforcement agencies did not submit arrest data to CBI because they were converting to new record management systems.

Blacks arrested for violent crimes were younger than Whites who were arrested for violent crimes (see Figure 6.9). When disaggregating violent arrests by age category (Figure 6.9), over one-third (36 percent) of Blacks were under age 25 compared to one-quarter (25 percent) of Whites. Nearly half (43 percent) of Whites were over 35 when they were arrested for a violent crime compared to 33 percent of Blacks over 35.

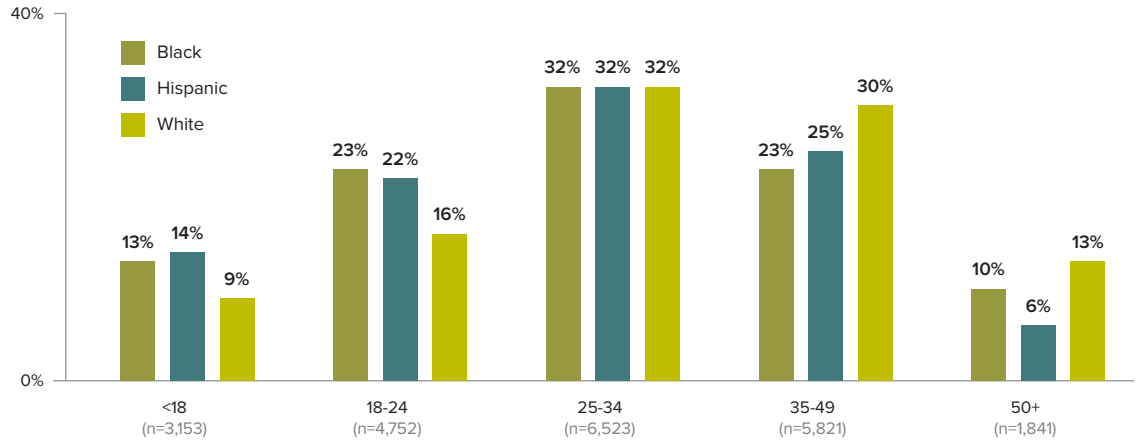
Figure 6.8. **Arrests by crime type and race/ethnicity, 2018**



Note: 2018 arrest data are presented here because these data are more complete than 2019 as several large law enforcement agencies did not submit arrest data to CBI because they were converting to new record management systems.

Source: Colorado Bureau of Investigation, National Incident Based Reporting System. Extracted 5/18/2020.

Figure 6.9. **Violent crime arrests by age and race/ethnicity, 2018**



Note: 2018 arrest data are presented here because these data are more complete than 2019 as several large law enforcement agencies did not submit arrest data to CBI because they were converting to new record management systems.

Source: Colorado Bureau of Investigation, National Incident Based Reporting System. Extracted 5/18/2020.

Court case sentences 2019

This section examines five of the most common initial sentencing placements for 41,918 cases in adult district court in 2019: Community Corrections, Deferred Judgment, Department of Corrections (DOC), Jail, and Probation/Intensive Supervision.[17] Note that this analysis reflects *cases not individuals*. Cases generally have multiple initial sentences, usually include fines, and can also include community service and credit for time served. Additionally, individuals may have multiple cases for which they are sentenced simultaneously. In these instances, the sentence given in one case may not truly reflect the seriousness of the case as the more serious sentence may be recorded in another case as part of a plea agreement. Initial sentences can also be modified, such as when jail is added as part of a probation revocation. For all of the data presented in this section, the cases represent the most serious initial sentence.

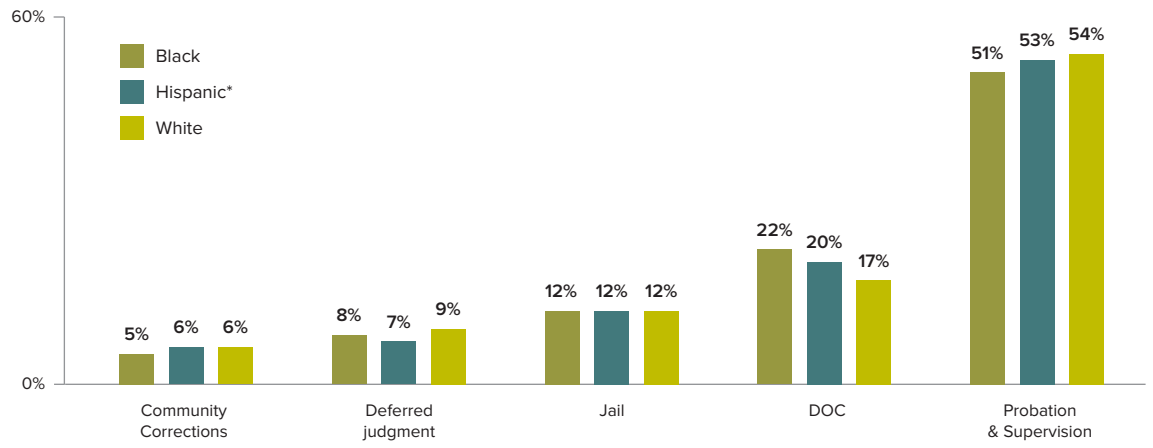
As seen in Figure 6.10, most of the sentencing outcomes were equally likely for Blacks, Whites, and Hispanics. However, there were clear racial discrepancies in sentences to DOC.

- Compared to cases with White defendants, a prison sentence was 18 percent more likely for Hispanics.
- Compared to Whites, a prison sentence was 29 percent more likely for Blacks.

These sentencing differences were more pronounced for those convicted of violent crimes and sentenced to prison, as follows:

- Compared to Whites, a prison sentence for a violent offense was 28 percent more likely for Hispanics.
- Compared to Whites, prison sentence for a violent offense was 50 percent more likely for Blacks.

Figure 6.10. **Adult district court sentencing outcomes, 2019 (N=41,918)**



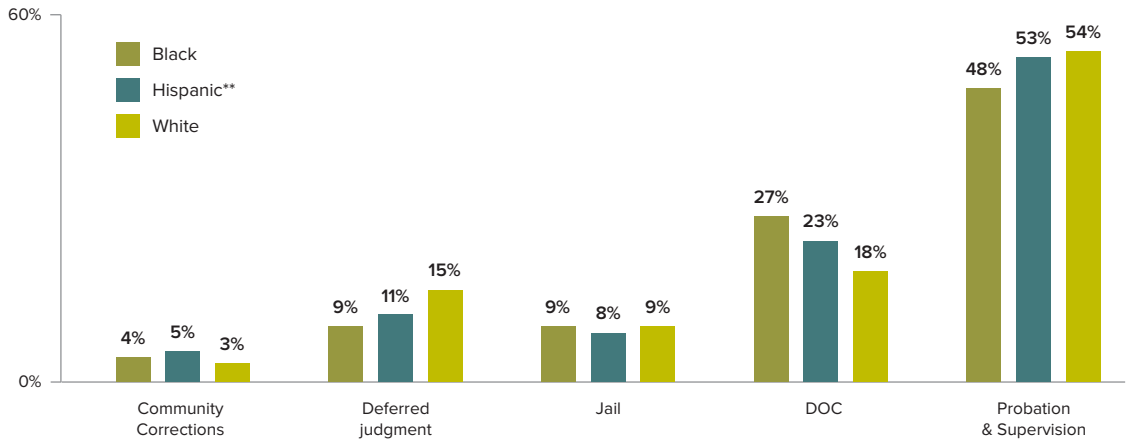
Note: * Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

[17] Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals. Full percentages will not equal to 100 due to low frequency sentences not analyzed here.

Compared to cases with White defendants, a sentence to DOC was more likely for Hispanics and Blacks. Specifically, a DOC sentence was 18 percent more likely for Hispanics and 29 percent more likely for Blacks.

Figure 6.11. **Adult district court sentencing outcomes for violent* convictions, 2019 (N=10,455)**



Notes: * Violent convictions include: Felony assault, homicide, robbery, and sexual assault. ** Hispanic ethnicity was estimated using a DCJ-developed and validated statistical model.

Source: Data extracted from the Colorado Judicial Branch's information management system (ICON) via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice. Note these figures represent cases, not individuals.

Summary

Efforts should be made to understand why these discrepancies exist in officer involved shootings, arrests, and district court sentences to prison. Given social and economic disadvantages of serving a prison sentence, it is imperative to understand the reasons that young Coloradans, particularly young, Black Coloradans, were disproportionately sentenced to the Department of Corrections. Similarly, there is a clear need to address violent crime in communities of color, as these are the crimes for which young, Black Coloradans were most disproportionately arrested and sentenced to prison.

Guiding principles of evidence based correctional practices

According to the National Institute of Corrections, evidence-based practice (EBP) is the objective, balanced, and responsible use of current research and the best available data to guide policy and practice decisions, such that outcomes for consumers are improved. Used originally in the healthcare field, evidence-based practice focuses on approaches demonstrated to be effective through empirical research rather than through anecdote or professional experience alone. The eight principles of effective correctional intervention—based on decades of research--are summarized below.

ONE: Assess individual risk/need levels using actuarial instruments

Individual risk factors are both static (never changing) and dynamic (changing over time, or have the potential to change). The focus is on identifying specific criminogenic needs, that is, a person's deficits that put him or her at-risk for continued criminal behavior.[18] For example, many studies show that specific social deficits are associated with criminal activity, such as lack of employment, lack of education, lack of housing stability, substance abuse addiction. Actuarial instruments are available that can assist in the identification of these areas of service needs.

TWO: Enhance individual motivation

Humans respond better when motivated--rather than persuaded--to change their behavior. An essential principle of effective correctional intervention is the treatment team playing an important role in recognizing the need for motivation and using proven motivational techniques. Motivational interviewing, for example, is a specific approach of interacting with clients that, research shows, tends to enhance and promote behavior change.[19]

THREE: Target interventions

This requires the application of what was learned in the assessment process described in #1 above. Research shows that targeting three or fewer criminogenic needs does not reduce recidivism. Targeting four to six needs (at a minimum), has been found to reduce recidivism by 31 percent.[20] Staff training and professionalism is an essential component of developing a culture of personal change: Well-trained staff can—and must—role model and promote pro-social attitudes and behaviors even while maintaining a safe and secure environment.

Implementation methods include the following:[21]

- Act on the *risk principle*.

  This means prioritizing supervision and treatment resources for higher risk individuals. Some studies have shown that lower risk individuals have a high probability of successfully re-integrating into the community without intense programming.[22] They tend to have positive support groups and access to community resources. Placing low-risk

[18] Criminogenic risk refers to attributes associated with criminal behaviors and recidivism include (Gendreau, and Andrews, 1990): (1) Anti-social attitudes, values, and beliefs (criminal thinking); (2) Pro-criminal associates and isolation from pro-social associates, (3) Particular temperament and behavioral characteristics (e.g., egocentrism); (4) Weak problem-solving and social skills; (5) Criminal history; (6) Negative family factors (i.e., abuse, unstructured or undisciplined environment), criminality in the family, substance abuse in the family); (7) Low levels of vocational and educational skills (8) Substance abuse. The more risk factors present, the greater the risk for committing criminal acts in the future.

[19] Miller,W.R., Rollnick,S. (2002). *Motivational interviewing:Preparing people for change*. 2nd Edition. New York: Guilford Press.

[20] Gendreau, P., French, S.A., and A.Taylor (2002). *What Works (What Doesn't Work).* Revised 2002. Invited Submission to the International Community Corrections Association Monograph Series Project; Gendreau, P. (1996). The principles of effective intervention with offenders. In A. Harland (Ed.), *Choosing correction options that work: Defining the demand and evaluating the supply* (pp. 117–130). Thousand Oaks, CA: Sage.

[21] Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation: Rediscovering psychology. *Criminal Justice and Behavior, 17*, 19-52; Andrews, D. A. (2001). Principles of effective correctional programs. In L. L. Motiuk & R. C. Serin (Eds.), *Compendium 2000 on effective correctional programming* (pp. 9-17). Ottawa: Correctional Services of Canada.

[22] Andrews, D. A., & Dowden, C. (2006). Risk principle of case classification in correctional treatment. *International Journal of Offender Therapy and Comparative Criminology, 50*, 88–100; Andrews, D. A. and Bonta, J. (2003). *The psychology of criminal conduct*. Cincinnati, OH: Anderson Publishing Co.; Clear, T. R. *Objectives-Based Case Planning*, National Institute of Corrections, Monograph 1981, Longmont, CO.; Currie, E. (1998). *Crime and punishment in America*. New York: Metropolitan Books.

individuals in correctional programs tends to disrupt their pro-social networks and increase their likelihood of recidivism.

- Act on the *need principle*.

  The need principle calls for the focus of correctional treatment to be on criminogenic needs. Criminogenic needs are dynamic risk factors that are directly linked to criminal behavior. The fundamental point of this principle is to provide services according to individual deficits—social skills, thinking errors, vocational training, misuse of leisure time, drug and alcohol abuse—when these are identified by the assessment in #1 above.[23]

- Implement the *responsivity principle*.

  Individuals have different temperaments, learning styles, and motivation levels. These must be acknowledged and services must accommodate and consistently promote every individual's ability to participate in a program. Many evidence-based correctional programs, however, have low or no success with individuals of color,[24] and women have very different service and program needs than men.[25] Hence, gender and cultural differences must be accounted for. Recidivism reduction requires developing interventions that are sensitive to the learning styles and psychological needs of program participants.

- Ensure adequate program dose and duration.

  Some studies have found that high-risk offenders should spend 40 to 70 percent of their time in highly structured activities and programming for 3 to 9 months prior to release.[26] However, these are minimum durations and are likely to be inadequate for both sex offender populations and those with serious drug addictions. Studies of both populations have found that duration and intensity are linked to positive outcomes. The need for structured and accountable time throughout the day and week is likely higher than the average 40 to 70 percent found in studies of the general criminal population. The continuity of structure, treatment, and accountability must follow both substance addicts and sex offenders into the community, and treatment should be delivered as a life-long plan for changing entrenched negative lifestyle behaviors.[27] The evidence indicates that incomplete or uncoordinated approaches can have negative effects and increase recidivism and victimization.[28]

- Implement the treatment principle.

  The treatment principle states that cognitive/behavioral treatment should be incorporated into all sentences and sanctions.[29] Treatment is action. First, it is centered on the present circumstances and risk factors that are responsible for the individual's behavior. Second, it is action oriented rather than talk oriented. Individuals do something about their difficulties rather than just talk about them. Third, clinicians teach individuals new,

[23] Andrews, D. A., & Dowden, C. (2006). Risk principle of case classification in correctional treatment: A meta-analytic investigation. *International Journal of Offender Therapy and Comparative Criminology, 50*:88-100; Bonta,J. and Andrews, D.A. (2007). *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation, 2007-06*, Public Safety Canada. Available at https://www.publicsafety.gc.ca/cnt/rsrcs/pblctns/rsk-nd-rspnsvty/index-en.aspx

[24] Substance Abuse and Mental Health Services Administration (2014). *Improving Cultural Competence. Treatment Improvement Protocol (TIP) Series No. 59*, HHS Publication No. (SMA) 14-4849, Rockville, MD.

[25] Voorhis, P.A. (2016). *Gender Responsive Interventions in the Era of Evidence-Based Practice: A Consumer's Guide to Understanding Research*. Available at http://cjinvolvedwomen.org/wp-content/uploads/2016/10/Consumer-Guide.pdf; Gobeil, R., Blanchette, K., & Stewart, L. (2016). A meta-analytic review of correctional programs for women offenders: Gender-neutral versus gender-informed approaches, *Criminal Justice and Behavior, 43*, 301–322.

[26] Makarios, M. D., Sperber, K. G., & Latessa, E. J. (2014). Treatment dosage and the risk principle: A refinement and extension. *Journal of Offender Rehabilitation, 53*,5: 334–350; Simourd, D.J and Olver, Mark (2019). Prescribed correctional treatment dosage: Cautions, commentary, and future directions, *Journal of Offender Rehabilitation, 58*:2, 75-91; Sperber, K.G., Latessa, E.J., and Makarios, M.D. (2013). Examining the interaction between level of risk and dosage of treatment, *Criminal Justice and Behavior, 40*:338-48; Gendreau, P. and Goggin, C. (1995). *Principles of effective correctional programming with offenders*, Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick; Palmer, T. (1995). Programmatic and non-programmatic aspects of successful intervention: New directions for research, *Crime & Delinquency, 41*, 100-131; Higgins, H. and Silverman, K. (1999). *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions*. Washington, D.C.: American Psychological Association.

[27] See National Institute on Drug Abuse, *Principles of Drug Abuse Treatment for Criminal Justice Populations: A Research Based Guide*. Available at http://www.drugabuse.gov/PODAT_CJ/principles from the U.S. National Institutes of Health.

[28] Higgins, H. and Silverman, K. (1999). *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions*. Washington, D.C.: American Psychological Association.

[29] Latessa, E.J. (no date). *From theory to practice: What works in reducing recidivism?* University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. Available at http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf.

pro-social skills to replace the anti-social ones like stealing, cheating and lying, through modeling, practice, and reinforcement. These behavioral programs would include:

- Structured social learning programs where new skills are taught, and behaviors and attitudes are consistently reinforced;
- Cognitive behavioral programs that target thinking errors involved in attitudes, values, peers, substance abuse, anger; and
- Family based interventions that train families on appropriate behavioral techniques.

Interventions based on these approaches are very structured and emphasize the importance of modeling and behavioral rehearsal techniques that engender self-efficacy, challenge cognitive distortions, and assist individuals in developing good problem-solving and self-control skills. These strategies have been demonstrated to be effective in reducing recidivism.[30]

FOUR: Provide skill training for staff and monitor their delivery of services

Evidence-based programming emphasizes cognitive-behavior strategies and is delivered by well-trained staff. Staff must coach clients to learn new behavioral responses and thinking patterns. In addition, clients must engage in role playing and staff must continually and consistently reinforce positive behavior change. This is only one aspect of an EBP-focused organization.[31]

FIVE: Increase positive reinforcement

Researchers have found that optimal behavior change results when the ratio of reinforcements is four positive to every negative reinforcement (4:1).[32] While this principle should not interfere with the need for administrative responses to disciplinary violations, the principle is best applied with clear expectations and descriptions of behavior compliance. Furthermore, consequences for failing to meet expectations should be made completely clear, as part of the programming activity. Clear rules and consistent consequences that allow individuals to make rewarding choices can be integrated into the overall treatment approach.[33]

SIX: Engage ongoing support in natural communities

For many years research has confirmed the common sense realization that placing offenders in poor environments and with antisocial peers increases recidivism. The prison based drug and alcohol treatment communities show that the inmate code can be broken and replaced with a positive alternative and, in the process, teach individuals the skills they will need upon release. Likewise, parole supervision requires attending to the pro-social supports required by inmates to keep them both sober and crime free. Building communities in prison and outside of prison for individuals who struggle to maintain personal change is a key responsibility of correctional administrators today. The National Institute of Corrections calls for the following effort:

> *Realign and actively engage pro-social support for individuals in their communities for positive reinforcement of desired new behaviors.*[34]

SEVEN: Measure relevant processes/practices

An accurate and detailed documentation of case information and staff performance, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Quality control and program fidelity play a central and ongoing role

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[30] Excerpted from page 2, Latessa, E.J. (no date). *From theory to practice: What works in reducing recidivism?* University of Cincinnati. Paper prepared for the Virginia Division of Criminal Justice Services. Available at http://www.dcjs.virginia.gov/corrections/documents/theoryToPractice.pdf.

[31] For more information about developing and sustaining healthy organizations that are focused on proper implementation of evidence-based practices, see: National Institute of Corrections (2011). Putting the Pieces Together: Practical Strategies for Implementing Evidence-Based Practices. Washington, DC: U.S. Department of Justice. Available at https://s3.amazonaws.com/static.nicic.gov/Library/024394.pdf.

[32] Gendreau, P. and Goggin, C. (1995). Principles of effective correctional programming with offenders. Unpublished manuscript, Center for Criminal Justice Studies and Department of Psychology, University of New Brunswick, New Brunswick.

[33] McGuire, J. (2001). "What works in correctional intervention? Evidence and practical implications," in *Offender rehabilitation in practice: Implementing and evaluating effective programs*, edited by G.A. Bernfeld, D.P. Farrington, and A.W. Leschied, Wiley and Sons: New York, New York; Higgins, S. T and Silverman, K. (1999). *Motivating Behavior Change Among Illicit-Drug Abusers: Research on Contingency Management Interventions*. Washington, D.C.: American Psychological Association.

[34] National Institute of Corrections. Available at http://nicic.gov/ThePrinciplesofEffectiveInterventions.

to maximize service delivery. In a study at the Ohio Department of Corrections, programs that scored highest on program integrity measures reduced recidivism by 22 percent. Programs with low integrity actually increased recidivism.[35]

EIGHT: Provide measurement feedback

Providing feedback builds system and individual accountability and maintains integrity, ultimately improving outcomes. Clients need feedback on their behavioral changes, and program staff need feedback on service delivery and program integrity. Measurements that identify effective practices need then to be linked to resources, and resource decisions should be based on objective measurement.

In sum, when applied appropriately--with program fidelity and by skilled practitioners--these practices have the best potential to reduce recidivism. These principles, along with a focus on careful program implementation, should guide criminal justice program development, implementation and evaluation. For further information, please see the material made available by the National Institute of Corrections, at https://nicic.gov/tags/evidence-based-practice-0?page=1

Evidence-based practices require careful program implementation

Essential program performance implementation components

1. **Implementation teams**. Teams are comprised of staff from all levels of the organization, represent diverse perspectives, and are responsible for the success of the implementation.
2. **Data**. Gathering, analyzing and interpreting data on a regular basis provides effective feedback to the implementation team and across the organization.
3. **Solid implementation infrastructure**. Staff development, organizational/administrative support, and strong organizational leadership is required.
   a. **Competency drivers**. Staff selection, training, coaching, practice, feedback.
   b. **Organizational/administrative drivers**. Decision support data system, administrative supports (internal), systems interventions (external).
   c. **Leadership**. This effort must be both adaptive (complex situations without clear answers, requiring examination beyond traditional ways of doing business) and technical (relative agreement about what needs to be done and how to do it).

Source: Fixsen et al. (2005). *Implementation Research: A Synthesis of the Literature*. Available at https://nirn.fpg.unc.edu/resources/implementation-research-synthesis-literature

[35] Latessa, E. J. and Lowenkamp, C. (2006). What works in reducing recidivism? *University of St. Thomas Law Journal, 3*:521.

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Appendix

Table 7.1. **Colorado criminal code penalties, felonies committed on or after July 1, 1993**

Class	Presumptive range		Exceptional circumstances		
	Minimum	Maximum	Minimum	Maximum	Mandatory parole
1	Life imprisonment	Death	Life imprisonment	Death	
2	8 years $5000 fine	24 years $1,000,000	4 years	48 years	5 years (COV) 3 years (non-COV)*
3	4 years $3000 fine	12 years $750,000	2 years	24 years	3 years
Extraordinary risk crime[1]	4 years $3000 fine	16 years $750,000	2 years	32 years	3 years
4	2 years $2000 fine	6 years $500,000	1 year	12 years	3 years
Extraordinary risk crime	2 years $2000 fine	8 years $500,000	1 year	16 years	3 years
5	1 year $1000 fine	3 years $100,000	6 months	6 years	2 years
Extraordinary risk crime	1 year $1000 fine	4 years $100,000	6 months	8 years	2 years
6	1 year $1000 fine	18 months $100,000	6 months	3 years	1 year
Extraordinary risk crime	1 year $1000 fine	2 years $100,000	6 months	4 years	1 year

[1] **Crimes that present an extraordinary risk of harm to society shall include the following:**

- Aggravated robbery, section 18-4-302
- Child abuse, section 18-6-401
- Unlawful distribution, manufacturing, dispensing, sale or possession of a controlled substance with the intent to sell, distribute, manufacture, or dispense, section 18-18-405 (Note: simple possession is excluded), as it existed prior to October 1, 2013
- Any crime of violence as defined in section 18-1.3-406
- Stalking, section 18-3-602, or section 18-9-111(4) as it existed prior to August 11, 2010
- Sale or distribution of materials to manufacture controlled substances, section 18-18-412.7 as it existed prior to October 1, 2013
- Felony invasion of privacy for sexual gratification, section 18-3-405.6
- Human trafficking for involuntary servitude or human trafficking for sexual servitude, sections 18-3-503 and 18-3-504
- Assault in the second degree, section 18-3-203(1)(i)

Notes:

* A minimum parole period of three years is required is the offense is not a crime of violence as described in section 18-1.3-4.6(2), or five years is the offense is considered a crime of violence under said statute.

Section 18-1.3-401 requires a court sentencing a person convicted of a felony committed on or after July 1, 1979, to impose a definite term of incarceration within the range established for the class of felony of which the person was convicted. If the court finds that extraordinary mitigating or aggravating circumstances are present to support a longer or shorter sentence than than permitted by the presumptive range, it may impose a definite term of incarceration with a range of half of the minimum presumptive sentence to twice the maximum presumptive sentence. In addition to the definite term of incarceration, a period of parole supervision is mandatory for persons convicted of class 2, 3, 4 and 5 felonies committed on or after July 1, 1979. The mandatory period of parole supervision for persons convicted of felonies committed between July 1, 1979 and July 1, 1984 is one year, for persons convicted of felonies committed on and after July 1, 1984, and before July 1, 1985, is three years, and for persons convicted of felonies committed on and after July 1, 1985, is a period not to exceed five years. (Section 17-22.5-303(4) and (7) and section 17-22.5-103 as it existed prior to the 1984 repeal and reenactment of article 22.5 of title 17. For the test and former section, see Session Laws of 1979, page 668, or the 1983 Supplement to the 1978 Repl. Volume 8, Colorado Revised Statutes.) Release on parole of persons serving terms of life imprisonment for class 1 felonies committed on or after July 1, 1979, will remain within the discretion of the parole board (Section 17-2-201(5)(a)). (Section 16-11-103(1)(b). Those convicted and serving terms of life imprisonment for class 1 felonies committed on or after July 1, 1990 are not parole eligible.

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Table 7.2. **Drug felony penalties, applies to crimes committed on or after Oct. 1, 2013***

Level	Minimum	Maximum	Mandatory parole	Fine	DOS (Drug offender surcharge)
Drug felony 1	8 years	32 years	3 years	$5,000-$1,000,000	$4,500
	Presumptive	**Aggravated**			
Drug felony 2	4-8 years	8-16 years	2 years	$3,000-$750,000	$3,000
Drug felony 3	2-4 years	4-6 years	1 year	$2,000-$500,000	$2,000
Drug felony 4	6 mos.-1 year	1-2 years	1 year	$1,000-$100,000	$1,500

Note: * See C.R.S. 18-1.3-401.5.

- All sentences for drug felony (DF) 1 crimes are to prison and the minimum term is mandatory and may not be suspended.
- Sentences for drug felony (DF) 2, 3, and 4 crimes shall be in the presumptive range unless court makes findings on the record, supporting an aggravated range sentence based on:
  - evidence in the record of the sentencing hearing,
  - the presentence report, and
  - any factors agreed to by the parties.
- Statutory **aggravating circumstances** authorizing "midpoint presumptive to maximum aggravated range" sentence (18-1.3-401.5(1)(a)):
  - on parole for another felony,
  - on probation or on bond while awaiting sentencing following revocation for another felony,
  - under confinement, in prison, in any correctional institution as a felon, or on escape status,
  - on appeal bond following conviction for a previous felony, or
  - on probation or on bond while awaiting sentencing following revocation for felony adjudication.
- Statutory **sentence-enhancing circumstances** authorizing presumptive/aggravated range sentence (18-1.3-401.5(11)):
  - on bond for a felony,
  - on bond for a felony delinquent act,
  - on bond for having pled to a lesser offense when original offense charged was a felony,
  - on a deferred judgment and sentence for another felony,
  - on bond for having pled to a lesser delinquent act when original offense charged was a felony delinquent act,
  - on a deferred judgment and sentence for a felony delinquent act, or
  - on parole for a felony delinquent act.

Colorado House Bill 2019-1263 reduced criminal penalties for possession of most Schedule 1 and 2 drugs, making possession of four grams or less a misdemeanor rather than a felony. The bill became effective for offenses committed on or after March 1, 2020. The exception is possession of any amount of "date rape" drugs—these remain a class 4 felony.

Table 7.3. **Drug misdemeanor penalties effective March 1, 2020**

Level	Minimum	Maximum	Fine	DOS (Drug offender surcharge)
Drug misdemeanor 1	6 months	18 months	$500-$5,000	$1,000
Drug misdemeanor 2	0 months	364 days (12 months for offenses committed before August 2, 2019)	$50-$750	$300

Table 7.4. **Colorado criminal code penalties, misdemeanors committed on or after July 1, 1993**

Class	Minimum	Maximum
1	6 months $500 fine	18 months $5,000 fine
Extraordinary risk crime	6 months $500 fine	24 months $5,000 fine
2	3 months $250 fine	364 days (23 months for offenses committed BEFORE August 2, 2019) $1,000 fine
3	$50 fine	6 months $750 fine

Table 7.5. **Crime category detail for Figure 3.22**

Offense description	Statute	Maximum felony class	Minimum felony class
Assault/kidnap			
1st degree assault (passion)	18-3-202(2)(a)	6	5
1st degree assault	18-3-202(2)(b)	5	3
2nd degree assault (passion)	18-3-203(2)(a)	6	6
2nd degree assault	18-3-203(2)(b)	5	4
2nd degree assault – serious injury during another crime	18-3-203(2)(b.5)	5	3
3rd degree assault	18-3-204	5	5
Vehicular assault	18-3-205(1)(c)	6	5
Vehicular assault – under influence of alcohol/drugs	18-3-205(1)(c)	5	4
Menacing	18-3-206	6	4

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Assault/kidnap (continued)			
2nd degree assault on elderly/disability	18-3-209(2)	5	3
3rd degree assault elderly or disability	18-3-209(3)	6	5
Kidnapping 1st degree	18-3-301(2)	5	1
Kidnapping 1st degree (unharmed)	18-3-301(3)	5	2
Kidnapping 2nd degree	18-3-302(3)	5	2
Kidnapping 2nd degree (sex assault)	18-3-302(3)(a)	5	2
Kidnapping 2nd degree	18-3-302(4)	5	3
Kidnapping 2nd degree	18-3-302(5)	5	4
False imprisonment – force or threat of force 12 hrs or longer	18-3-303(2)	6	5
Custody violation – removes child from country	18-3-304(2.5)	5	4
Trafficking in children	18-3-502	3	2
Harassment – stalking first offense	18-3-602(3)(a)	6	5
Harassment – stalking 2nd or subsequent offense	18-3-602(3)(b)	5	4
Harassment – stalking while temporary restraining order	18-3-602(5)	5	4
1st degree assault at-risk	18-6.5-103(3)(a)	4	2
1st degree assault heat of passion at-risk	18-6.5-103(3)(a)	5	4
2nd degree assault at-risk	18-6.5-103(3)(b)	5	3
2nd degree assault heat of passion at-risk	18-6.5-103(3)(b)	6	5
3rd degree assault (at-risk)	18-6.5-103(3)(c)	6	5
Child abuse-serious injury	18-6-401(7)(a)(III)	5	3
Child abuse-serious injury negligence	18-6-401(7)(a)(IV)	5	4
Child abuse – know/reck/inj – 2nd offense	18-6-401(7)(e)	6	5
Trafficking in children	18-6-402(3)	5	3
Domestic violence	18-6-800	2	2
Habitual domestic violence	18-6-801(7)	6	5
Procurement of a child	18-7-403.5	5	3
Assault/escape (of cls 1)	18-8-206(1)(a)	5	1
Assault/escape (not cls 1)	18-8-206(1)(b)	5	2
Assault/escape (felony)	18-8-206(1)(c)	5	3
Holding hostages	18-8-207	5	2
Harassment-stalking first offense	18-9-111(5)(a)	6	5
Harassment – stalking 2nd or subsequent offense	18-9-111(5)(a.5)	6	4
Harassment – stalking while temporary restraining order	18-9-111(5)(b)	6	4
Ethnic intimidation	18-9-121(3)	6	5
Ethnic intimidation – aided or abetted	18-9-121(3)	5	4
Burglary			
Burglary	18-4-202	5	5
1st degree burglary	18-4-202(2)	5	3
1st degree burglary of drugs	18-4-202(3)	5	2

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Burglary (continued)			
2nd degree burglary	18-4-203(2)	5	4
2nd degree burglary of dwelling	18-4-203(2)(a)	5	3
2nd degree burglary of drugs	18-4-203(2)(b)	5	3
3rd degree burglary	18-4-204(2)	6	5
3rd degree burglary of drugs	18-4-204(2)	5	4
Possession of burglary tools	18-4-205(2)	6	5
Drug			
Obtain drug by fraud deceit or misrepresentation – 2nd or subseq.	12-22-126	6	6
Forged or false prescription	12-22-315	6	5
Unlawful admin of gamma hydroxybutyrate (ghb) or keta – prior	18-13-123	4	2
Unlawful admin of gamma hydroxybutyrate (ghb) or keta	18-13-123	DF3	3
Dangerous drugs class 3	18-18-105	5	3
Dangerous drugs class 4	18-18-105	5	4
Dangerous drugs class 5	18-18-105	6	5
Control substance violations deg 2	18-18-105(2)	4	2
Control substance violations deg 3	18-18-105(2)	5	3
Control substance violations deg 4	18-18-105(2)	5	4
Control substance violations deg 5	18-18-105(2)	6	5
Poss marijuana	18-18-106	5	3
Poss marijuana class 4	18-18-106	5	4
Poss marijuana class 5	18-18-106	6	5
Poss marijuana class 6	18-18-106	6	6
Pharmaceutical violations	18-18-400	5	5
Possession I-II or flun/ket	18-18-403.5(2)(a)	DF4	DF4
Possession I-II or flun/ket <4grams	18-18-403.5(2)(a)(I)	DF3	6
Possession I-II or flun/ket/ > 4 grams	18-18-403.5(2)(a)(II)	5	4
Possession methamphetamine 2 grams or less	18-18-403.5(2)(b)(I)	6	6
Possession I-II or flun/ket 2grams or less	18-18-403.5(2)(b)(II)	DF3	4
Possession methamphetamine > 2	18-18-403.5(2)(b)(II)	DF3	4
Unlawful use of control substance	18-18-404(1)(a)	6	5
Dist/manf/disp/sale I-II	18-18-405(2)(a)(I)	DF4	3
Possession II	18-18-405(2)(a)(I)	DF4	4
Possession I-II	18-18-405(2)(a)(I)	DF4	3
Dist/manf/disp/sale I-II > 225 grams	18-18-405(2)(a)(I)(A)	DF2	DF1
Dist/manf/disp/sale m/h/k/c> 112 grams	18-18-405(2)(a)(I)(B)	DF2	DF1
Dist/manf/disp/sale > 50 milligrams&	18-18-405(2)(a)(I)(C)	DF2	DF1
Dist/manf/disp/sale I-II to minor	18-18-405(2)(a)(II)	DF2	DF1
Dist/manf/disp/sale I-II (repeat)	18-18-405(2)(a)(II)	5	2
Possession I-II (repeat)	18-18-405(2)(a)(II)	5	2

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Drug (continued)			
Dist/manf/disp/sale III	18-18-405(2)(b)(I)	5	4
Possession III	18-18-405(2)(b)(I)	5	4
Dist/manf/disp/sale I-II >14 g < 225	18-18-405(2)(b)(I)(A)	DF3	DF2
Dist/manf/disp/sale III (repeat)	18-18-405(2)(b)(II)	5	3
Possession III (repeat)	18-18-405(2)(b)(II)	5	3
Dist/manf/disp/sale IV	18-18-405(2)(c)(I)	6	5
Possession IV	18-18-405(2)(c)(I)	6	5
Dist/manf/disp/sale I-II <=14 grams	18-18-405(2)(c)(I)(A)	DF4	DF3
Dist/manf/disp/sale m/h/k/c <=7 grams	18-18-405(2)(c)(I)(B)	DF4	DF3
Dist/manf/disp/sale III-IV > 4 g	18-18-405(2)(c)(I)(D)	DF4	DF3
Dist/manf/disp/sale IV (repeat)	18-18-405(2)(c)(II)	5	4
Possession IV (repeat)	18-18-405(2)(c)(II)	5	4
Dist/manf/disp/sale III-IV < 4 grams	18-18-405(2)(d)(I)	DF4	DF4
Dist/manf/disp/sale I-II <=4g	18-18-405(2)(d)(II)	DF4	DF4
Dist/manf/disp/sale v (repeat)	18-18-405(2)(d)(II)	6	5
Possession v (repeat)	18-18-405(2)(d)(II)	6	5
Possession i-iv 1 gram or less	18-18-405(2.3)(a)(I)	6	6
Possession i-iv 1 gram or less prior conviction	18-18-405(2.3)(a)(II)	5	4
Dist/manf/disp/sale to <18yrs	18-18-405(7)	4	3
Marijuana sells/transfer/dispense to minor	18-18-406(1)(a)	DF2	DF1
Marijuana sells/transfer/dispense to minor	18-18-406(1)(b)	DF3	DF2
Marijuana sells/transfer/dispense to minor	18-18-406(1)(c)	DF4	DF3
Marijuana sells/transfer/dispense to minor	18-18-406(1)(d)	DF4	DF4
Marijuana process illegal	18-18-406(2)(a)(II)	DF4	DF3
Marijuana disp/sell/disp >50lbs conc >25lbs	18-18-406(2)(a)(III)(A)	DF2	DF1
Marijuana disp/sell/disp >5<50lbs conc >2.5<25lbs	18-18-406(2)(a)(III)(B)	DF3	DF2
Marijuana disp/sell/disp >50lbs conc >25lbs	18-18-406(2)(a)(III)(C)	DF4	DF3
Marijuana disp/sell/disp >4<12ozs conc>2<6ozs	18-18-406(2)(a)(III)(D)	DF4	DF4
Cultivate marijuana > 30 plants	18-18-406(3)(a)	DF4	DF3
Cultivate marijuana > 6 < 30 plants	18-18-406(3)(b)	DF4	DF4
Marijuana possession > 12ozs conc >3ozs	18-18-406(4)(a)	DF4	DF4
Poss marijuana >1oz<8oz (repeat)	18-18-406(4)(a)(II)	6	5
Poss marijuana >=8 oz	18-18-406(4)(b)(I)	6	5
Poss marijuana >=8 oz (repeat)	18-18-406(4)(b)(II)	5	4
Poss marijuana > 12 oz or concmarijuana > 3oz	18-18-406(4)(c)	6	6
Cultivate marijuana	18-18-406(6)(a)(II)(A)	5	4
Cultivate marijuana (repeat)	18-18-406(6)(a)(II)(B)	4	3
Dist/manf/disp/sale marijuana <5 lbs conc <1lb	18-18-406(6)(b)(III)(A)	6	5
Dist/manf/disp/sale marijuana >5 <100 lbs conc >1<100 lbs	18-18-406(6)(b)(III)(B)	5	4
Dist/manf/disp/sale marijuana > 100 lbs	18-18-406(6)(b)(III)(C)	4	3

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Drug (continued)			
Dist/manf/disp/sale marijuana > 100 lbs	18-18-406(6)(b)(III)(C)	3	3
Dist/manf/disp/sale marijuana (repeat)	18-18-406(6)(b)(III)(D)	4	3
Transfer/dispense > 1oz to < 18	18-18-406(7)(a)	5	4
Transfer/dispense to < 15 yr	18-18-406(7)(b)	5	4
Transfer/dispense to > 14 < 18yr >=5lbs or conc >=1lb	18-18-406(7)(b)	4	3
Marijuana sells/transfer/dispense to < 15	18-18-406(7)(c)	4	3
Transfer/dispense > 1oz to < 18 (repeat)	18-18-406(7)(c)	5	3
Transfer/dispense to < 15 yr (repeat)	18-18-406(7)(c)	5	3
Cultivate marijuana >6 and<30plants	18-18-406(7.5)(b)	6	5
Cultivate marijuana >30 plants	18-18-406(7.5)(c)	5	4
Cultivate marijuana	18-18-406(8)(a)(II)(A)	5	4
Cultivate marijuana (repeat)	18-18-406(8)(a)(II)(B)	5	3
Dist/manf/disp/sale marijuana	18-18-406(8)(b)(III)(A)	5	4
Dist/manf/disp/sale marijuana (repeat)	18-18-406(8)(b)(III)(B)	5	3
Synthetic marijuana dist/manf/disp/sale	18-18-406.2(2)	DF4	DF3
Synthetic marijuana dist/manf/disp/sale <18 yrs	18-18-406.2(3)	DF3	DF2
Unlawful use of marihuana in detention fac – 2nd or subsequent	18-18-406.5(1)	6	5
Unlawful use of marihuna in detention facility	18-18-406.5(1)	6	6
Extraction of marijuana concentrate df2	18-18-406.6	DF3	DF2
Special drug offender	18-18-407	DF1	2
Money laundering – illegal investments	18-18-408(1)	3	3
Unlawful possession of materials to make methamphetamine	18-18-412.5(3)	5	3
Sale controlled substance materials	18-18-412.7(2)	DF3	DF2
Controlled substances unlawful acts licenses	18-18-414(3)	DF4	DF3
Controlled substances unlawful acts licenses	18-18-414(5)	DF4	DF3
Pharmaceutical violations	18-18-414(5)	5	4
Control substance fraud & deceit	18-18-415(2)(a)	6	6
Control substance fraud & deceit (repeat)	18-18-415(2)(b)	DF4	4
Inducing consumption by fraud	18-18-416(2)	5	4
Imitation control substance	18-18-422(1)(b)	DF4	DF4
Imitation control substance	18-18-422(1)(b)(I)	6	5
Imitation control substance (repeat)	18-18-422(1)(b)(II)	5	4
Imitation control substance to minor	18-18-422(2)(a)	DF4	DF3
Imitation control substance <18 yr	18-18-422(2)(b)(I)	5	4
Imitation control substance < 18 yr (repeat)	18-18-422(2)(b)(II)	5	3
Counterfeit substance	18-18-423(3)	DF4	5
Money laundering	18-5-309(2)	5	3
Imitation control substance	18-5-604(1)(b)(I)	6	5
Child abuse – manufacture controlled substance in presence of	18-6-401(7)(d)	5	3
Unlicensed marijuana concentrate with hazardous substance	18-8-406.6(3)	DF3	DF2

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Escape			
Aiding escape	18-8-201(4)	5	2
Aiding escape	18-8-201(5)	5	3
Aiding escape mental institution	18-8-201.1	6	5
Escape	18-8-208(1)	5	2
Escape	18-8-208(2)	5	3
Escape	18-8-208(3)	5	4
Escape insanity law	18-8-208(6)(c)	6	5
Escape pursuant to extradition	18-8-208(8)	5	5
Attempted escape	18-8-208.1(1)	6	4
Attempted escape while in custody following felony conviction	18-8-208.1(1)	5	4
Homicide			
Pregnancy unlawful termination	18-3.5-101	6	4
1st degree pregnancy unlawful termination resulting in death	18-3.5-103(2)	4	2
2nd degree pregnancy unlawful termination	18-3.5-104(2)(a)	5	4
2nd degree pregnancy unlawful termination heat of passion	18-3.5-104(2)(b)	6	5
3rd degree pregnancy unlawful termination	18-3.5-105(2)	6	5
4th degree pregnancy unlawful termination	18-3.5-106(2)(a)	6	6
4th degree pregnancy unlawful termination	18-3.5-106(2)(b)	6	5
Vehicular pregnancy unlawful termination	18-3.5-107(2)	6	5
Aggravated vehicular pregnancyunlawful termination	18-3.5-108(2)	5	4
Other related homicide	18-3-100	5	4
1st degree murder	18-3-102(3)	5	1
2nd degree murder	18-3-103(3)(a)	5	2
2nd degree murder – heat of passion	18-3-103(3)(b)	5	3
Manslaughter	18-3-104(2)	5	4
Manslaughter – heat of passion – death	18-3-104(2)(a)	5	3
Homicide – criminally negligent	18-3-105	6	5
Homicide – vehicular	18-3-106(1)(c)	5	3
1st degree murder of officer/fireman	18-3-107(3)	5	1
Child abuse – death	18-6-401(7)(a)(I)	5	2
Child abuse – death negligence	18-6-401(7)(a)(II)	5	3
Motor vehicle theft			
Motor vehicle theft-misdemeanor	18-4-400	5	3
Aggravated motor vehicle theft <$20000	18-4-409 (3)(a)	6	5
Aggravated motor vehicle theft >=$20000<$100000	18-4-409 (3)(a.5)	5	4
Aggravated motor vehicle theft >$100000	18-4-409 (3)(b)	4	3
Joyriding twice last 05 years	18-4-409(2)	5	4
Aggravated motor vehicle theft <$15k	18-4-409(3)(a)	5	4

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Motor vehicle theft (continued)			
Aggravated motor vehicle theft > $15k	18-4-409(3)(b)	5	3
2nd degree agg motor vehicle theft	18-4-409(4)	5	5
Aggravated motor vehicle theft – 2nd deg twice prev convicted	18-4-409(4)	6	5
Joyriding >072 hours	18-4-409(4)	5	5
Aggravated motor vehicile theft >=$20000	18-4-409(4)(a)	6	5
Aggravated motor vehicle theft – 2nd deg >=$15k	18-4-409(4)(a)	6	5
Aggravated motor vehicle theft >1000 <20000	18-4-409(4)(b)	6	6
Aggravated motor vehicle theft – 2nd deg >=$500 <$15k	18-4-409(4)(b)	6	6
Vehicle parts	18-4-420 (2)	6	4
Remove vehicle id	18-4-420 (4)	6	5
Stolen auto parts	42-5-102(1)	6	4
Tampering with motor vehicle >=500< 15k	42-5-103(2)(b)	6	5
Tampering with motor vehicle >=15k	42-5-103(2)(c)	4	3
Theft of auto parts	42-5-104(2)(b)	6	5
Other			
Insurance law violations	10-3-810(1)	5	5
Practicing medicine without license – second or subsequent offense	12-36-129(1)	6	6
Impersonating a doctor – second or subsequent offense	12-36-129(2)	6	6
Medicine unprofessional conduct	12-36-129(2.5)	6	5
Medicine-unprofessional conduct – second or subsequent offense	12-36-129(2.5)	5	3
Procuring food to defraud	12-44-102	6	5
Limited gaming – fraudulent acts – license violation	12-47.1-823(2)	6	6
Limited gaming – fraudulent acts by repeating license violation	12-47.1-823(2)	6	5
Outfitting without proper registration (twice)	12-55-107.5(1)	6	5
Unauthorized practices – barbering, etc	12-8-127(1)	6	6
Avoiding a writ	13-45-114	6	5
Non-support	14-6-101(1)	6	4
Habitual criminal	16-13-101	5	1
Use semiautomatic assault weapon capacity >19 rounds detachable	18-1.3-406(7)	5	5
Repeat gambling	18-10-103(2)	6	5
Inciting destruction of life or property	18-11-202	6	6
Weapons – misdemeanor	18-12	6	5
Poss illegal/dang weapon	18-12-102(3)	6	5
Poss illegal/dang weapon (repeat)	18-12-102(3)	5	4
Defacing a firearm	18-12-104	6	5
Unlawful carrying or possession of a weapon-school, college,	18-12-105.5(1)	6	6
Use of stun guns	18-12-106.5	6	5
Poss weapon 2nd offense	18-12-107	6	5
Prohibited use weapon 2nd offense	18-12-107	5	5

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Other (continued)			
Poss weapon previous offender	18-12-108	6	5
Poss weapon previous offender (repeat)	18-12-108(5)	5	4
Possession of handgun by juvenile (twice)	18-12-108.5(1)(c)(II)	6	5
Providing or permmitting a juvenile to possess a handgun	18-12-108.7(1)(b)	5	4
Poss/use/expl or incend devices	18-12-109	5	2
Poss of explosives hoax	18-12-109(7)	6	5
Unlawful purchase of firearms	18-12-111	5	4
Fighting by agreement – dueling	18-13-104(2)	5	4
Criminal libel	18-13-105	6	6
Intentionally setting a wildfire	18-13-109.5(2)	3	3
Hazardous waste violations	18-13-112	5	4
Trafficking in adults	18-13-127(3)	6	3
Trafficking in adults – illegally present	18-13-127(3)	4	2
Smuggling of humans	18-13-128(2)	5	3
Organized crime control act	18-17-105(1)	4	2
Limited gaming – violations of tax provisions	18-20-103	6	5
Limited gaming – false statement on application	18-20-104	6	5
Limited gaming – slot machines shipping notices	18-20-105	6	5
Limited gaming – cheating	18-20-106	6	6
Limited gaming – cheating by repeating gambling offender	18-20-106	6	5
Limited gaming – fraudulent acts	18-20-107	6	6
Limited gaming – fraudulent acts by repeating gambling offender	18-20-107	6	5
Limited gaming – use of device for calc prob by repeating offender	18-20-108	6	5
Limited gaming – use of device for calc probabilities	18-20-108	6	6
Limited gaming – use of counterfeit chips tokens unlawful coin	18-20-109	6	5
Limited gaming – cheating game & devices	18-20-110	6	6
Limited gaming – cheating game & devices-repeat gambling offender	18-20-110	6	5
Limited gaming – unlawful manu sale dist of equipment and device	18-20-111	6	5
Limited gaming – unlawful entry by excluded and ejected person	18-20-112	6	5
Limited gaming – personal pecuniary gain or conflict interest	18-20-113	5	3
Limited gaming – false or misleading information	18-20-114	6	5
Criminal attempt	18-2-101	6	2
Criminal conspiracy	18-2-206(1)	6	2
Criminal solicitation	18-2-301(5)	5	2
Custody violation – from parent	18-3-304(1)	6	5
Custody violation – by parent	18-3-304(2)	6	5
Sex offender – failure to register	18-3-412.5(2)(a)	6	6
Sex offender – failure to register second or subsequent offense	18-3-412.5(2)(a)	6	5
Sex offender – failure to register	18-3-412.5(4)(b)	6	6
Trafficking in adults – illegally present	18-3-501	4	2

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Other (continued)			
Trafficking – adult servitude	18-3-503(2)	4	3
Trafficking – minor servitude	18-3-503(2)	3	2
1st degree arson	18-4-102(2)	5	3
2nd degree arson	18-4-103(2)	5	4
3rd degree arson	18-4-104(2)	5	4
4th degree arson	18-4-105(2)	5	4
Commercial bribery	18-5-401(3)	6	5
Criminal negligence – at-risk	18-6.5-103(2)	6	4
Abortion criminal – death	18-6-102(2)	5	2
Contributing delinquency minor	18-6-701(2)	6	4
Sexual conduct in penal institution	18-7-701(1)(b)	6	5
Accessory to crime – harboring a felon	18-8-105(2)(a)	5	3
Accessory to crime	18-8-105	6	4
False report of explosives	18-8-110	6	5
Impersonating peace officer	18-8-112(2)	6	6
Disarming peace officer	18-8-116(2)	6	5
Introduction contraband 1st degree	18-8-203(2)	6	4
Introduction contraband 2nd degree	18-8-204(3)	6	5
Possession contraband 1st degree	18-8-204.1(3)	6	4
Riots in detention facilities	18-8-211(2)	6	3
Unauthorized residency by parolee or prob from another state	18-8-213	6	5
Bribery	18-8-302(3)	5	3
Attempt to influence public servant	18-8-306	5	4
Abuse of public office – misdemeanor	18-8-400	6	6
1st degree perjury	18-8-502(3)	5	4
Bribe-receiving by witness	18-8-603(1)	5	4
Intimidating a juror	18-8-608(2)	5	4
Jury tampering	18-8-609(2)	6	4
Tampering with physical evidence	18-8-610(3)	6	5
Tampering with a deceased human body	18-8-610.5	3	3
Retaliation against a judge	18-8-615(2)	5	4
Retaliation against a prosecutor	18-8-616(2)	5	4
Bribing a witness or victim	18-8-703(2)	5	4
Intimidation witness/victim	18-8-704(2)	5	4
Aggravated intimidation witness/victim	18-8-705(3)	5	3
Retaliation against victim/witness	18-8-706(2)	5	3
Tampering with witness/victim	18-8-707(2)	5	4
Inciting riot	18-9-102(3)	6	5
Arming rioters	18-9-103(2)	5	4
Engaging in riot	18-9-104(1)	5	4

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Other (continued)			
Endangering public transportation	18-9-115(5)	5	3
Vehicular eluding	18-9-116.5	6	5
Vehicular eluding – bodily injury	18-9-116.5	5	4
Vehicular eluding – death	18-9-116.5	5	3
Firearms/exp/inced/public	18-9-118	6	5
Failure or refusal to leave premises or prop. Upon request b	18-9-119	6	4
Cruelty to animals	18-9-202(2)(c)	6	5
Animal fighting	18-9-204(2)	6	5
Wiretapping	18-9-303	6	6
Eavesdropping	18-9-304(2)	6	6
Illegal telecommunication equipment	18-9-309(3)	6	5
Unlawful use information	18-9-310	6	5
Contributing delinquency minor	19-3-119(3)	5	4
Hazardous waste disposal without permit	25-15-310(3)	4	4
Trafficking in food stamps >$500 < $15k	26-2-306(2)(c)	5	4
Trafficking in food stamps >$15k	26-2-306(2)(d)	5	3
Trafficking in food stamps >$15k twice or more	26-2-306(3)	5	3
Trafficking in food stamps >$500 < $15k twice or more	26-2-306(3)	5	4
Misuse of property/funds military	28-3-701	5	5
Causing/contrib occurance hazardous substance	29-22-108	6	4
Illegal sale wildlife	33-6-113(2)(a)	6	5
Willful destruction wildlife	33-6-117(1)(a)	6	5
Failure to account	34-53-116	5	5
Theft certain animals	35-43-128	6	4
Filing a false return	39-21-118(4)	6	4
Interest and penalities	39-22-621(3)(b)	5	5
Revenue fraud	39-22-621(3)(b)	5	5
Driving stock on track	40-27-101	6	6
Driving after judgement	42-2-206(1)	6	5
DUI	42-4-1301(1)(a)	5	4
DWAI	42-4-1301(1)(b)	5	4
DUI per se	42-4-1301(1)(k)(I)	5	4
Leaving scene of accident resulting in serious bodily injury	42-4-1601(2)(b)	6	4
Leaving scene of accident resulting in death	42-4-1601(2)(c)	5	3
Alter or use of altered certificate	42-6-141	5	5
Procuring food or accommodations to defraud	6-25-103	6	6
Workers' compensation – false statement	8-43-402	5	5

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Robbery/extortion			
Criminal extortion	18-3-207(1)	5	4
Aggravated criminal extortion	18-3-207(2)	5	3
Robbery	18-4-301(2)	5	4
Aggravated robbery	18-4-302(3)	5	3
Aggravated robbery drugs	18-4-303(2)	5	2
Robbery of elderly or disability	18-4-304(3)	5	3
Robbery from at-risk	18-6.5-103(4)	5	3
Sex crimes			
Sex offender act	16-13-203	6	6
Enticement of a child	18-3-305(2)	5	3
Internet luring of a child	18-3-306(3)	6	5
Internet luring of child – engaging in sexual exploitation	18-3-306(3)	5	4
Sexual assault – causes submission of the victim at risk	18-3-402(1)(a)	5	3
Sexual assault – causes submission of the victim	18-3-402(1)(a)(4)	5	3
Sexual assault – incapable of appraising victim's conduct	18-3-402(1)(b)	5	4
Sexual assault – victim incapable of appraising conduct at risk	18-3-402(1)(b)	5	3
Sexual assault – victim submits erroneously	18-3-402(1)(c)	5	4
Sexual assault – victim submits erroneously at risk	18-3-402(1)(c)	5	3
Sexual assault – victim less than 15 yrs against risk	18-3-402(1)(d)	5	3
Sexual assault – victim less than 15 yrs and actor 4 yrs older	18-3-402(1)(d)	5	4
Sexual assault – victim incustody of law or detained	18-3-402(1)(f)	5	4
Sexual assault – victim incustody of law or detained at risk	18-3-402(1)(f)	5	3
Sexual assault – other than bona fide medical purpose	18-3-402(1)(g)	5	4
Sexual assault – other than bona fide medical purpose at risk	18-3-402(1)(g)	5	3
Sexual assault – victim helpless	18-3-402(1)(h)	5	3
Sexual assault	18-3-402(2)	5	4
Sexual assault 1st degree	18-3-402(2)	5	3
Sexual assault 1st degree	18-3-402(3)	5	2
Sexual assault	18-3-402(4)	5	3
Sexual assault – physical force against at risk	18-3-402(4)(a)	4	2
Sexual assault – physical force or violence	18-3-402(4)(a)	5	3
Sexual assault – threat of death serious injury against at risk	18-3-402(4)(b)	4	2
Sexual assault – threat of death serious injury or kidnapping	18-3-402(4)(b)	5	3
Sexual assault – threatening to retaliate	18-3-402(4)(c)	5	3
Sexual assault – threatening to retaliate against at risk	18-3-402(4)(c)	4	2
Sexual assault – employing drug intoxicant against at risk	18-3-402(4)(d)	4	2
Sexual assault – employing drug intoxicant or other means	18-3-402(4)(d)	5	3
Sexual assault – physically helpless	18-3-402(4)(e)	5	3
Sexual assault – physically helpless against at risk	18-3-402(4)(e)	4	2

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Sex crimes (continued)			
Sexual assault	18-3-402(5)(a)	4	2
Sexual assault – phys aided by 2 or more persons-at risk	18-3-402(5)(a)(I)	4	2
Sexual assault – phys aided or abetted by 2 or more persons	18-3-402(5)(a)(I)	4	2
Sexual assault – serious bodily injury	18-3-402(5)(a)(II)	4	2
Sexual assault – serious bodily injury at risk	18-3-402(5)(a)(II)	4	2
Sexual assault – armed with deadly weapon	18-3-402(5)(a)(III)	4	2
Sexual assault – armed with deadly weapon at risk	18-3-402(5)(a)(III)	4	2
Sexual assault 2nd degree	18-3-403	5	3
Sexual assault 2nd degree	18-3-403(2)	5	4
Sexual contact – knows the victim does not consent	18-3-404(1)(a)	5	4
Sexual contact – knows the victim does not consent at risk	18-3-404(1)(a)	5	3
Sexual contact – victim incapable of appraising conduct	18-3-404(1)(b)	5	4
Sexual contact – victim incapable of appraising conduct at risk	18-3-404(1)(b)	5	3
Sexual contact – victim is physically helpless	18-3-404(1)(c)	5–	4
Sexual contact – victim is physically helpless at risk	18-3-404(1)(c)	5	3
Sexual contact – other than bona fide medical purpose	18-3-404(1)(g)	5	4
Sexual contact – other than bona fide medical purpose at risk	18-3-404(1)(g)	5	3
Sexual contact – induces coerces to expose intimate parts	18-3-404(1.5)	5	3
Sexual assault 3rd degree	18-3-404(2)	5	4
Sexual contact – unlawful	18-3-404(2)	5	4
Sexual assault on child	18-3-405(2)	5	3
Sexual assault on a child by one in position of trust	18-3-405.3(2)	5	3
Sexual assault on a child by one in position of trust – victim	18-3-405.3(3)	5	4
Internet sexual exploitation of a child	18-3-405.4(3)	5	4
Sexual assault on client by a psychotherapist	18-3-405.5(1)(b)	5	4
Sexual assault invasion privacy for sexual gratification	18-3-405.6	6	6
Habitual sex offender against children	18-3-412	6	6
Trafficking – adult sex servitude	18-3-504(1)(b)	4	3
Trafficking – minor sex servitude	18-3-504(2)(b)	3	2
Sexual assault 1st degree – at risk	18-6.5-103(7)(a)	4	2
Sexual assault – against at risk	18-6.5-103(7)(a)	4	2
Sexual assault – at risk	18-6.5-103(7)(a)	4	2
Sexual assault 2nd degree – at risk	18-6.5-103(7)(b)	5	3
Sexual assault – against at risk	18-6.5-103(7)(b)	5	3
Sexual assault 3rd degree - a trisk	18-6.5-103(7)(c)	6	3
Sexual contact – against at risk	18-6.5-103(7)(c)	5	3
Sexual assault on child – at risk	18-6.5-103(7)(d)	5	2
Sexual assault on child by one in position of trust – at risk	18-6.5-103(7)(e)	5	2
Sexual assault on client by psychotherapist – at risk	18-6.5-103(7)(f)	6	3
Incest – misdemeanor	18-6-300	5	4

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Sex crimes (continued)			
Aggravated incest	18-6-302(2)	5	3
Sexual exploitation child	18-6-403(5)	6	3
Procurement of child for sexual exploitation	18-6-404	5	3
Promotion of obscenity to a minor	18-7-102(1.5)(b)	6	6
Prostitution knowledge being infected	18-7-201.7(2)	6	5
Pandering	18-7-203(2)	6	5
Patronizing prostitute with knowledge of being infected with	18-7-205.7(2)	6	6
Pimping	18-7-206	5	3
Indecent exposure to a person < 15 yrs. (3rd conviction)	18-7-302(4)	6	6
Solicitation child prostitution	18-7-402(2)	5	3
Pandering a child	18-7-403(2)	5	2
Keeping place child prostitution	18-7-404(2)	5	3
Pimping a child	18-7-405	5	3
Inducement of a child prostitution	18-7-405.5(2)	5	3
Patronizing a prostituted child	18-7-406(2)	5	3
Sexual conduct in penal institution	18-7-701(1)(a)	6	6
Theft/forgery/fraud/other property			
Sale unregistered securities	11-51-603(1)	6	3
Violation of securities act	11-51-603(2)	5	5
Fraud agriculture	11-55-105	5	5
False information pawnbroker	12-16-115	6	6
False declaration – customer	12-56-104(4)	6	5
Usery – misdemeanor	12-56-104(5)	6	5
Extortionate extension of credit	18-15-100	5	5
Engaging in criminal usery	18-15-102	5	4
Buyers/sellers of valuable articles	18-15-104(1)	5	5
Fraud of valuable articles	18-16-108	5	5
Theft >$500<$15000	18-16-108	6	5
Theft > $15k	18-4-401(2)(c)	5	4
Theft >$2000<$5000	18-4-401(2)(d)	5	3
Theft $5000<$20000	18-4-401(2)(f)	6	6
Theft $20000<$100000	18-4-401(2)(g)	6	5
Theft $100000<$1000000	18-4-401(2)(h)	5	4
Theft $1000000 or>$1000000	18-4-401(2)(i)	4	3
Theft >$500<$15000 (twice)	18-4-401(2)(j)	3	2
Theft from a person	18-4-401(4)	5	4
Theft elderly or disabled	18-4-401(5)	6	5
Theft of elderly or disability	18-4-401(7)(a)	5	3
Theft rental property >$500<$15000	18-4-401(7)(a)	6	5

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Theft/forgery/fraud/other property (continued)			
Theft rental property (twice) >$15k	18-4-402(4)	6	4
Theft rental property > $15k	18-4-402(5)	5	3
Theft trade secrets	18-4-402(5)	5	3
Theft receiving >$500<$15000	18-4-408(3)	6	4
Theft receiving > $15k	18-4-410(4)	5	4
Theft receiving > $500 – fencing	18-4-410(5)	5	3
Theft of medical records/information	18-4-410(6)	5	3
Aggravated criminal mischief	18-4-412(3)	6	6
Criminal mischief	18-4-501	5	3
Mischief >=$5000<$20000	18-4-501	6	4
Mischief >=$20000<$100000	18-4-501 (4)(e)	6	5
Mischief >=$100000<$1000000	18-4-501 (4)(f)	5	4
Mischief >=$1000000	18-4-501 (4)(g)	4	3
1st degree criminal trespassing	18-4-501 (4)(h)	3	2
2nd degree criminal trespassing	18-4-502	6	5
3rd degree criminal trespassing	18-4-503(2)(b)	5	4
Computer crime >=$5000<$20000	18-5.5-102 (3)(a)(V)	6	6
Computer crime >=$20000<$100000	18-5.5-102 (3)(a)(VI)	6	5
Computer crime >=$100k<$1m	18-5.5-102 (3)(a)(VII)	5	4
Computer crime >=$1000000	18-4-504(2)(b)	6	5
Computer crime	18-5.5-102 (3)(VIII)	4	3
Computer crime >=$2000<$5000	18-5.5-102 (3)(a)(IX)	3	2
Computer crime > 15k	18-5.5-102(3)	6	4
Computer crime >500<15k	18-5.5-102(3)(a)	4	3
Computer crime – unauthorized access 2nd or subsequent offense	18-5.5-102(3)(a)	5	4
Forgery – misdemeanor	18-5.5-102(3)(b)	6	6
1st degree forgery	18-5-100	5	5
2nd degree forgery	18-5-102(2)	5	4
Possession 1st degree forged instrument	18-5-103(2)	6	4
Criminal possession forgery device	18-5-105	6	5
Criminal impersonation	18-5-109(2)	6	5
False instrument for recording	18-5-113(2)	6	5
Fraud – misdemeanor	18-5-114(2)	6	5
Fraudulent use of check card	18-5-200	6	6
Fraudulent use financial trans device	18-5-201(3)	5	4
Check fraud >=$2000	18-5-202(3)	5	4
Fraud by check	18-5-205 (3)(d)	6	6
Defraud creditor >=$2000<$5000	18-5-205(3)	6	4
Defraud creditor >=$5000<$20000	18-5-206 (1)(f)	6	6
Defraud creditor >=$20000<$100000	18-5-206 (1)(g)	6	5

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Theft/forgery/fraud/other property (continued)			
Defraud creditor >=$100000<$1000000	18-5-206 (1)(h)	5	4
Defraud creditor >=$1000000	18-5-206 (1)(i)	4	3
Defraud debtor >=$2000<$5000	18-5-206 (1)(j)	3	2
Defraud debtor >=$5000<$20000	18-5-206 (2)(f)	6	6
Defraud debtor >=$20000<$100000	18-5-206 (2)(g)	6	5
Defraud debtor >=$100000<$1000000	18-5-206 (2)(h)	5	4
Defraud debtor >=$1000000	18-5-206 (2)(i)	4	3
Defrauding secured debtor	18-5-206 (2)(j)	3	2
Defrauding a secured debtor	18-5-206(2)(c)	6	4
Insurance fraud claims	18-5-206(2)(d)	5	3
Unlawful activity selling of land	18-5-211(1)(4)	5	5
Failure to pay assigned accounts	18-5-302(1)	6	4
Concealment removal secured property	18-5-502	6	4
Consealment removal secured property	18-5-504	6	5
Failure to pay over proceeds	18-5-504	5	4
Fraudulent receipt	18-5-505	6	4
Financial transaction device & equity skimming fraud	18-5-506	6	5
Fraud finan dev >=$2000<$5000	18-5-700	6	6
Fraud finan dev >=$5000<$20000	18-5-702 (3)(f)	6	6
Fraud finan dev >=$20000<$100000	18-5-702 (3)(g)	6	5
Fraud finan dev >=$100000<$1000000	18-5-702 (3)(h)	5	4
Fraud finan dev >=$1000000	18-5-702 (3)(i)	4	3
Unauthorized use of financial device	18-5-702 (3)	6	2
Possession financial trans device	18-5-702(3)(d)	5	3
Possession financial trans device – four or more devices	18-5-703(3)	5	5
Sale/poss for sale transaction device	18-5-703(4)	6	5
Sale/poss for sale transactionblank device	18-5-704(2)	5	3
Criminal possession of forgery devices	18-5-705(2)	6	6
Unlawful manufacture of a financial device	18-5-706(2)	6	6
Equity skimming property	18-5-707(3)	6	5
Identity theft	18-5-802(2)	6	4
Identity theft prior conviction	18-5-902(2)	5	4
Criminal possession of financial device 2 or more devices	18-5-902(3)	5	4
Criminal possession of financial device 4 or more devices	18-5-903(2)(b)	6	6
Gathering id information by deception	18-5-903(2)(c)	6	5
Possession of id theft tools	18-5-904(2)	6	5
Theft from at-risk <$500	18-5-905(2)	6	5
Theft from at-risk >$500	18-6.5-103(5)	6	5
Theft from at-risk person (no force)	18-6.5-103(5)	5	3
Criminal exploitation at-risk <$500	18-6.5-103(5)	5	4

Table continued next page.

Offense description	Statute	Maximum felony class	Minimum felony class
Theft/forgery/fraud/other property (continued)			
Criminal exploitation at-risk >$500	18-6.5-103(7.5)	6	5
Embezzlement	18-6.5-103(7.5)	5	3
Embezzlement of public property	18-8-407	5	5
Fraud obtaining public assistance	18-8-407(2)	6	4
Public assist fraudulent acts >$500<$15k	26-1-127(1)	5	5
Fraud obtaining food stamps	26-1-127(1)	5	4
Food stamps - fraud >$15k	26-2-305	6	5
Food stamps - fraud >$500 <$15k	26-2-305(1)(a)	5	3
False information pawnbroker	26-2-305(1)(a)	5	4