The Adult Felony Justice Journey
An Instructional Exercise for New Legislators

This exercise will acquaint you with (1) the paths that felony offenders can take through the adult criminal justice system, (2) the proportion of offenders who follow each path, and (3) the associated costs for the state. Place a token representing your offender on box 1 of the Adult Felony Justice Journey Diagram and follow the boxed instructions below to move your offender through the system, using the spinner as instructed. When the state incurs a cost, circle the cost in the box on the diagram where it was incurred. When finished, compute total state costs, and write them at the bottom of the diagram. Use a new diagram for each offender. Read the background information later.

Box 1. Arrest.

You are suspected of having committed a nonviolent class 4 felony (an "F4"). There are no sentence enhancers. You are arrested and taken to the county jail, where you are booked, processed through jail intake, and given a bed. All these costs are paid by local government.

No state cost. Go to box 2.

Background to read later:
- All of the paths through this diagram are possible for someone who is guilty of a nonviolent class 4 felony (an "F4") for which there are no sentence enhancers. Example: entering an unlocked detached garage and stealing $700 of tools (second degree burglary, a class 4 felony punishable with 2 to 6 years imprisonment and 3 years parole, and theft of property worth $500 to $1000, a class 1 misdemeanor ["M1"] punishable with 6-18 months imprisonment).
- Colorado felonies, which are defined in state law, range from class 1 to class 6. Misdemeanors range from class 1 to class 6. Class 1 is the most serious.
- Sentence enhancers, which are defined in state law, increase the length of the sentence for crimes in a given felony or misdemeanor class. Examples include (1) crimes of violence, (2) crimes that present an extraordinary risk of harm to society, (3) crimes with certain extraordinary aggravating factors, (4) knowing or reckless child abuse causing serious bodily injury or death, and (5) habitual criminal laws. Sex crimes have many special rules. Probation is not an option when some enhancers apply.
- Spinner probabilities are rounded to the nearest 10%, but very small probabilities are rounded up to 10% rather than down to 0%. Costs are rounded to the nearest $100. The probabilities and costs reflect those that apply to generic Colorado felony defendants (not just to F4's), or, when Colorado data is unavailable, to felony defendants nationwide. The probabilities and costs for a given defendant will differ substantially depending on the gravity of the crime and the defendant's prior conviction record. For example, the probability of probation for those convicted of a sexual assault is 18%, but it's 46% for those convicted of motor vehicle theft.
- The police officer or sheriff's deputy who arrested you as well as the jail and the jail staff are supported by local tax dollars.
- On average 42 days elapse between the commission of an offense and an arrest.
- If you are suspected of having committed a class 4, 5, or 6 felony, you may be given a summons to appear in court rather than being arrested.
Box 2. Public Defender Appointed?  SPIN and say the number.

Spin 1-8:  You apply for a public defender, and one is appointed to represent you. Based on your income (which is compared to federal poverty guidelines), expenses, and assets, you are deemed unable to afford adequate representation.

**Circle the state cost of $700, and go to box 3.**

Spin 9-10: You hire a private attorney to represent you.

**20%**  
No state cost. Go to box 3.

**Background:** The Office of the Colorado State Public Defender, which represents indigent Colorado defendants, is a state agency. It costs $660 for the public defender to represent the average defendant. The cost for a particular case depends on the nature of the case and whether the case goes to trial. If the Public Defender has a conflict of interest, the more expensive, state-funded Alternative Defense Council, which relies on private sector attorneys, will represent you.

If you are charged with a felony, a public defender can be appointed immediately. If you are charged with a misdemeanor, a public defender will only be appointed after you meet with a prosecutor, who will probably offer you a plea deal when you meet. (“If you plead guilty to the charge, I’ll stipulate to probation.”)

A defendant charged with a felony who is unable to obtain pre-trial release from jail will qualify for a public defender because he can't work and has no income.

In Colorado, 79% of adult felony defendants and 43% of misdemeanor defendants receive state-funded representation.

If you committed a felony, you may or may not have a public defender to represent you by the time you reach box 3 (Release from jail before trial).
Box 3. Released from jail before trial? SPIN and say the number.

A district court judge advises you of your rights and the charges against you. The judge sets your bail and your conditions of pretrial release.

Spin 1-6: Release from jail with a $2,000 cash, property, or surety bond and conditions of release. If you had $2,000 in cash or 1.5 times that amount in real property you could post bond yourself. If you appear in court as required, this bond will be returned. However, you lack $2,000, so you sign an agreement with a bail bond agent who posts your bond. You pay the agent a non-refundable $300 fee and agree to reimburse the agent $2,000 if the bond is forfeited. If you don't appear in court, the agent can avoid forfeiture by returning you to custody, perhaps with assistance from a bounty hunter. The judge believes you have a substance abuse problem; your conditions of release include abstinence from illegal drugs and alcohol, substance abuse treatment, and regular reporting to a local government unit.

**No state cost. Go to box 4.**

Spin 7-10: Remain jailed with a $2,000 bond. You can't afford the bail bond agent's $300 fee, and you certainly don't have $2,000 to post for bond; stay in jail 180 days. Jail cost to the county may be $10,000 or more.

**No state cost. Go to box 4.**

**Background:**

- Felonies are heard in district court, misdemeanors in county court. District and county court judges and staff are state employees.
- Nationally, the median bail for a felony is about $10,000; about 60% of felony defendants are released before trial; and about 11% of felony defendants commit new felonies while on pretrial release. In Colorado, the average time from arrest to sentencing for district court cases is 204 days.
- Bail bond agents or “bondsman” are licensed by the Department of Regulatory Agencies. Their fee can’t exceed 15% of the bond. Your bondsman may require a cosigner and/or collateral.
- Thirteen Colorado counties have locally run “Pretrial Services” programs. One of these units may interview and investigate you before release and prepare a report that helps the judge set bail and conditions of release. As you await trial following release, pretrial services may supervise you and help you obtain treatment required as a condition of release.
- Some judicial districts have standard bond schedules that help judges set bond. The bail for a class 4 felony on the 4th judicial district’s bond schedule (El Paso and Teller counties) is $2,000.
- A judge can release a defendant on a personal recognizance bond. If the bond is $2,000, the defendant would post no money now but would promise to pay $2,000 if he doesn't appear in court when required. Personal recognizance bonds are more common in jurisdictions with pretrial services units. A judge can decline to release a defendant if he concludes that the defendant is a threat to flee or a threat to public safety.
Box 4. Prosecution discontinued? SPIN.

Spin 1-3: Prosecution is discontinued and the case is not pursued further. There are no other charges against you in this or any other jurisdiction, so you are released.

No state cost. Exit.

Spin 3-10: Prosecution continues. Since prosecution is continuing, record a cost for the continuing involvement of the court in this case.

Circle the state cost of $1,200 and go to box 5.

Background: This box does not cover cases for which prosecution is deferred or for which judgment and sentence are deferred (see Box 7). In such cases, the charges may ultimately be dropped or dismissed, but the criminal justice system holds the defendant accountable and imposes sanctions.

There’s no single point in the diagram where a decision to stop pursuing a case occurs. The police or sheriff may drop a case without referring it to the district attorney. The district attorney may decide not to file criminal charges. A judge may dismiss charges after they are filed.

The percentages in box 4 are based on national data. Some reasons cases are dropped or dismissed:

- The evidence is insufficient or questionable.
- A witness fails to appear, is reluctant to testify, or gives unclear or inconsistent statements.
- Evidence was seized or the defendant was questioned in a manner that violates the defendant’s rights (in Colorado less than 1% of cases are dropped or dismissed for such reasons).
- The defendant pleads guilty in another case, and this charge is dropped as part of the plea bargain.
- The defendant is a fugitive wanted in another jurisdiction and is turned over to that jurisdiction for prosecution.

As the last two items on this list indicate, the decision not to prosecute a crime following an arrest may not mean there is no punishment.

Colorado criminal cases are filed and prosecuted by the district attorney for the judicial district where the offense occurred. There are 22 judicial districts in the state.

There is no single point in the diagram where the district court or the district attorney's office incur costs. The $1,200 court cost above represents the average cost incurred by the courts for criminal cases that are filed; costs are higher than this average if the case goes to trial. Court costs are paid by the state. Most of the district attorney's costs are paid by the counties that make up the judicial district, with the state picking up a small share of costs.
Box 5. Trial or Plea Agreement? SPIN.

You and your attorney negotiate with the prosecutor over a plea bargain. The penalty the district attorney offers if you plead guilty is less than the potential penalty if you go to trial.

Spin 1: You and the DA can't agree on a plea bargain. You plead not guilty and go to trial.
10% Go to box 6, Trial.

Spin 2: You agree to plead guilty and receive a deferred judgment and sentence. To learn more, go to the deferral box.
10% Go to box 7, Deferral.

Spin 3-10: You agree to plead guilty. To find out what you received in return for your guilty plea, go to sentencing.
80% Go to box 8, Plea Bargain.

Background: Approximately 97% of criminal convictions in Colorado result from plea agreements rather than trials.

Plea agreement take several forms. You plead guilty to:
- the original charge,
- a less serious charge, or
- a portion of the charges, with the other charges dismissed,
and the prosecutor offers a more lenient sentence than you may receive if tried and found guilty of the original charge.

Colorado data indicates that at least half of the defendants who agree to plea bargains plead guilty to the most serious charge they face.
**Box 6. Trial. SPIN.**

| Spin 1-7   | 70% | A jury convicts you of your class 4 felony. | **Go to box 8.** |

| Spin 8-10: | 30% | A jury acquits you of all charges. | **Exit.** |

**Background:** Few defendants go to trial and of those who do, 75% are convicted, based on national data. You could be convicted of all charges, of a portion of the charges, or of less serious charges.
Box 7. Deferred judgment and sentence. SPIN.

The sanction (it’s not a sentence!) for your class 4 felony is 2 years in a deferral program. As you, the DA, and the judge agreed, you plead guilty to your class 4 felony charge, but the court does not find you guilty or impose a sentence at this time. Instead, you agree to abide by various conditions in a deferral contract for 2 years. Your conditions include supervision by a probation officer, abstinence from illegal drugs or alcohol, substance abuse treatment, and restitution. You pay a probation fee and other costs.

Spin 1-7  You complete the terms of your 2-year deferral contract successfully. The guilty plea is withdrawn and the charges are dismissed.

Circle the state cost of $1,600, and go to box 14, Recidivism.

Spin 8-10: You fail deferral after one year. After several violations of your deferral contract, the judge revokes your deferral agreement, finds you guilty, and sentences you based on your guilty plea. The court gave you a break and you failed.

Circle the state cost of $800, and go to box 8, Sentencing.

Background:

- If completed successfully, a deferred judgment and sentence is similar to probation, but without a conviction. It may be supervised by a probation officer, or it may be unsupervised. Since there is probation supervision in this case, the $1,600 state cost is the same as the cost of probation. This cost to the state is net of the $50 per month probation fee paid by the offender.
- Deferred judgment contracts can last up to 4 years.
- A criminal background search will uncover a deferral agreement, which may harm future employment prospects and have other consequences. If you successfully complete your deferral agreement, you may be able to petition the court to seal your record. A sealed record is not visible to the public and will not appear in most background checks. However, sealed records remain visible to the courts, law enforcement, and criminal justice agencies.
- Some Colorado counties, such as Weld, have deferred prosecution programs; the defendant agrees to conditions of deferral for a specified time and the district attorney agrees not to prosecute if the defendant abides by the conditions. Fail, and prosecution resumes.
- Of the felony cases that are filed in Colorado district court, about 13% conclude with deferred judgments. Deferrals are more common for defendants under age 25 and over 50.
Box 8. Sentencing. SPIN.

You are guilty of a class 4 felony.

- If you arrived here as the result of a plea bargain, spin to learn the sentence you agreed to. Judges aren’t required to impose the agreed sentence, but they usually do.
- If you arrived here after a trial or a failed deferral, spin to learn the judge's sentence.

Spin 1: Sentence to Community Corrections.
10% Go to box 10.

Spin 2-6: Sentence to Probation.
50% Go to box 11.

Spin 7: Sentence to probation with condition that you first go to county jail.
10% Go to box 12.

Spin 8: Sentence to probation with condition that you go to work release.
10% Go to box 13.

Spin 9-10: Sentence to Prison.
20% Go to box 15.

Background:

- In rare cases the penalty for a felony may simply be a fine.
- Sentences include “conditions,” such as conditions of probation or of a community corrections sentence. These conditions may include sanctions that are appropriate for the crime and provisions that reduce the likelihood of new criminal behavior.
- The probation department of each judicial district often prepares a pre-sentence report that contains information on the offender, the victim, and the crime, to help the court decide the appropriate sentence type and length, and the appropriate conditions to impose.
- Violations of the conditions of a sentence are divided into (1) new crimes and (2) technical violations, which violate a condition, but are not in themselves crimes. Technical violations include missing a scheduled visit, treatment session, or curfew; testing positive for drugs or alcohol; or violating geographic restrictions on where you can go. Graduated sanctions may be used to deal with technical violations (a reprimand followed by more aggressive interventions if misbehavior continues). A continuing pattern of technical violations or a single major violation can lead to revocation. Increasingly the response to violations is assisted by computerized, evidence-based tools, which may propose responses that are based on the offender’s risk factors and upon the severity of the violation. The supervising officer then selects the best response.
- Section 18-1.3-701 of the Colorado Revised Statutes (C.R.S.) requires courts to order convicted offenders to pay costs of court, prosecution, and care while incarcerated. If you are convicted, you will be ordered to pay these costs at the time you are sentenced. Failure to pay could lead to revocation of probation or of a deferral agreement. For offenders who aren't incarcerated, Colorado largely has an offender-funded treatment system. If treatment is ordered, you must pay for it; failure to pay will probably get you kicked out of treatment, and that will violate your conditions of probation.
Box 9. Resentencing. SPIN.

Spin 1: Alternative Sentence.
10% Go to box 13.

Spin 2-8: County jail as a condition of probation.
70% Go to box 12.

Spin 9-10: Prison with the Department of Corrections.
20% Go to box 15.

Background: If you fail at your initial sentence and return to the court to be sentenced again, the same set of sentencing options are open to the judge as previously, but you should expect to be treated more harshly. The judge might revoke and regrant probation, this time adding up to 90 days of jail time as a condition. If you previously spent 90 days in jail as a condition of probation (the maximum allowed) but seem not to have learned from the experience, you may go to jail again as a condition of a new probationary sentence. The probabilities for box 9 are based on resentencing data for Colorado adult probationers. Diversion offenders who terminate unsuccessfully from community corrections programs have a higher probability of going to prison than is shown in this box.
Box 10. Sentence to community corrections. SPIN.

The sentence for your class 4 felony is 2 years in a community corrections program. You are also subject to conditions set by the court. In your case the conditions include abstinence from illegal drugs and alcohol, restitution, and substance abuse treatment. You pay for treatment.

**Spin 1-6:** Successful completion. You are in residential community corrections for one year, progress to non-residential status for another year, and complete the program successfully.

**Circle the state cost of $15,600, and go to box 14, Recidivism.**

**Spin 7-10:** Failure and revocation. After one year as a halfway house resident, your sentence is revoked for repeated failure to follow the rules. You never progress to much less expensive non-residential status.

**Circle the state costs of $13,800; go to box 9, Resentencing.**

**Background:** Colorado’s community corrections programs, also called halfway houses, are state-funded but are operated by local governments, private providers, and nonprofits. Residential offenders live in a facility and check out to go to work. Staff monitors the location of off-site offenders by field visits and telephone calls. Clients directly sentenced to community corrections by the courts almost always start as residents and usually progress to nonresidential status. Once on nonresidential status, they live outside the facility but report regularly and are monitored to make sure that they are at jobs and other approved locations and that they are not using drugs or alcohol.

- **Diversion** refers to a direct sentence to community corrections by a judge as the result of a felony conviction. In these cases, community corrections serves as an alternative to prison; offenders who succeed in community corrections avoid prison while those who fail are usually sentenced to prison. Offenders can be sentenced to community corrections as a condition of probation, but not for more than 30 days.
- **Transition** refers to the placement of department of corrections prison inmates in local residential facilities prior to their release on parole.
- All community corrections facilities provide programs and treatment for their offenders. These services generally include individualized case management, life skills training, drug and alcohol education, anger management classes, money management assistance, educational guidance, and vocational guidance. Some programs provide more extensive treatment that focuses on substance abuse, mental health problems, and sex offenders.
- Residential community corrections beds cost the state $37.74 per day ($13,775 per year). Nonresidential offenders cost the state $5.12 per day ($1,869 per year). Most residential offenders pay up to $17 daily, non-residential offenders pay $3. The state pays extra for specialized residential treatment programs.
- Offenders sentenced to a community corrections program must be approved by the community corrections board for the judicial district that contains the program. If the board doesn't approve, this sentencing option is not available to the court.
Box 11. Probation. SPIN.

The sentence for your class 4 felony is 2 years of probation, subject to conditions set by the court; in your case these conditions include substance abuse treatment and testing, abstinence from illegal drugs and alcohol, and restitution. (Your probation sentence is 2 years and 90 days if you passed through Box 12 to get here.) You pay the costs.

<table>
<thead>
<tr>
<th>Spin 1-7: Successful completion of probation.</th>
<th>70%</th>
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<tbody>
<tr>
<td>Circle the state cost of $1,600, and go to box 14, Recidivism.</td>
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<table>
<thead>
<tr>
<th>Spin 8-10: Failure and revocation after 1 year.</th>
<th>30%</th>
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<tbody>
<tr>
<td>The judge revokes probation after 1 year of screw ups.</td>
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<tr>
<td>Circle the state cost of $800, and go to box 9, Resentencing.</td>
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Background: An offender sentenced to probation serves a sentence in the community subject to conditions imposed by the court. The length of a probationary sentence is not limited by the maximum and minimum periods of incarceration authorized in statute for the defendant's offense. Probation conditions always include a requirement that the offender remain law abiding while on probation, make restitution to victims, not harass victims, and comply with assigned testing and treatment. Treatment may cover substance abuse, anger management, problem-solving, parenting, victim awareness, and other topics. The offender may be supervised by a probation officer or may be unsupervised.

- Probation may be used as a sanction by itself or the judge can combine it with other sanctions specified in the offender’s conditions of probation, such as fines, community service, electronic monitoring, home detention, jail, or work release. However, courts can’t impose a stay in a department of corrections prison as a condition of probation. (Community corrections can also be imposed as a condition of probation, but usually offenders are directly sentenced to community corrections programs.)
- Offenders who commit certain serious crimes, or have been twice previously convicted of a felony, are not eligible for probation.
- An offender's level of supervision while on probation is based on a risk assessment. High-risk offenders are placed under intensive supervision probation, which may involve increased contact with their probation officer, increased drug testing, curfews, electronic monitoring, home visits, and increased attendance in treatment programs. As they progress, offenders may graduate to regular, less intensely supervised probation. An offender who does well on supervised probation may even graduate to unsupervised probation. Some probation monitoring is provided by private companies.
- Each judicial district has its own probation department.
- Probation is state-funded. The average annual cost of probation for an offender is $1,418 for regular probation and $3,854 for intensive supervision probation. Adults on probation pay a $50 per month supervision fee, which reduces the net cost to the state to $818 annually for standard probation and $3,254 for intensive supervision.
- Offenders usually aren’t discharged from probation until they have paid all costs the court ordered them to pay, though they may placed on unsupervised probation if that's the only thing left to do.
**Box 12. Jail.**

The sentence for your class 4 felony is 90 days in jail followed by 2 years of probation. (Technically, you are sentenced to probation, and, as a condition of probation, the first 90 days of probation will be served in the county jail.)

- If you already spent 180 days in jail awaiting trial, you will be given credit for time served and go directly to probation. There is no further jail cost to the county.
- If you did not stay in jail while awaiting trial, go to jail for 90 days. The jail cost to the county may be $5,000.

**No cost to state. Go to box 11, Probation.**

**Background:** As a general rule, when defendants are sentenced to incarceration, those convicted of misdemeanors go to the county jail (a local cost) while those convicted of felonies go to a Department of Corrections prison (a state cost). However, a felony offender can be sent to jail for up to 90 days as a condition of probation.

Jail can serve as the first stage of a felony probation sentence. Your conditions of probation could first send you to jail, followed by regular probation. Alternately your conditions of probation could send you to jail, followed by work release. Intermittent confinement in jail is also an option; probation with weekends in jail for six months as a condition of probation would jail an offender while allowing him to keep his job. More complex combinations are also possible, as it a straight sentence to jail as a condition of probation.

If you're convicted of several felonies, your conditions of probation can send you to jail for up to 90 days for each conviction and require that you serve the sentences consecutively, rather than concurrently, thus giving you more than 90 days in jail.

Most jails award “good time” credits to well behaved inmates. Accumulated credits are subtracted from the inmate’s sentence and reduce time in jail.
**Box 13. Alternative Sentence – Work release. SPIN.**

**The sentence for your class 4 felony is 1 year of work release.** You are sentenced to 1 year of probation. Your conditions of probation require that you live in the county's work-release facility and go to work during the day. Your conditions also include substance abuse treatment and testing, abstinence from alcohol and illegal drugs, and restitution. You pay the costs.

**Spin 1-7:** Successful completion. Since this is a county program, there is

70% **No Cost to State. Go to box 14, Recidivism.**

**Spin 8-10:** You violate the conditions of your sentence several times and your sentence is revoked. Since this is a county program, there is

30% **No Cost to State. Go to box 9, Resentencing.**

**Background:** “Alternative sentences” serve as alternatives to traditional incarceration and traditional, on-the-street probation. In Colorado, alternative sentences include home detention with work or education release, detention in a jail or alternative facility with work or education release, and intermittent detention (on weekends, for example, perhaps coupled with community service). Misdemeanor offenders can be directly sentenced to these programs as alternatives to jail. For felons, alternative sentences are usually imposed as conditions of probation. More complex probationary combinations are possible. (Example: a two-year probationary sentence requiring 30 days in jail followed by 5 months of work release, followed by 18 months of traditional probation). Alternative sentence programs are supported with local funds and are often, like the jail, under the direction of the sheriff. Some alternative programs operate out of the county jail, and some have their own facilities.

In some counties offenders already sentenced to jail apply to an alternative-sentence program and are automatically accepted if they meet program criteria. Offenders guilty of more serious crimes may be excluded from some alternatives.

Public service may be with a local government or with a nonprofit.
Box 14. Recidivism? SPIN.

Are felony or misdemeanor charges filed against you within a year after successful completion?

Spin 1-8:  No more crime for you.  
80%  Exit.

Spin 9-10:  You did it again.  
20%  Go to box 1. Arrest.

Background: Recidivism (a return to criminal behavior) can be defined in various ways and the resulting measured recidivism rate can vary substantially, depending upon the chosen definition. The judicial branch defines recidivism as the filing of a felony or misdemeanor charge within one year of termination from a program. The Department of Corrections defines recidivism as a return to the DOC within 3 years of leaving prison; it’s a measure that is used by many other prison systems.

Recidivism probabilities differ depending on the offense, on the offender's path through the justice system, and on whether the defendant has a prior criminal record.

Probation: Approximately 93% of adults who successfully complete regular probation are crime-free after one year.

Community Corrections: Of the offenders who successfully complete community corrections programs, 83% are crime-free a year later, and 72% are crime free two years later.

Department of Corrections: The Department of Corrections reports 3-year return-to-prison rates of slightly more than 50%. However, more than 3 out of 5 of the returns to prison are for technical violations while offenders are on parole, not for new crimes. Of the offenders released from prison in 2008, 16.8% returned to prison within 3 years for new crimes, while 35% returned within 3 years for a technical violation. (It usually takes at least several technical violations for an offender to be revoked to prison. Parolees who have been revoked for technical violations return to prison for 180 days.)
### Box 15. Prison. SPIN.

The sentence for your class 4 felony is 4 years in prison and 3 years of parole.

<table>
<thead>
<tr>
<th>Spin 1: 10%</th>
<th>The exemplary offender. You behave well in prison and on parole. You accumulate the maximum amount of “earned time” credit, which is subtracted from your prison and parole sentences. You leave prison and enter community corrections 6 months after arrival. Eight months later you are allowed to live in a private residence while under intensive supervision by the DOC. You are paroled by the parole board 4 months later and are discharged from parole after another 26 months. All these dates are the earliest possible, given your sentence, and reflect your good behavior.</th>
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<tbody>
<tr>
<td>Time in prison = 6 months.</td>
<td>Time in community corrections and under intensive supervision = 12 months.</td>
</tr>
<tr>
<td>Total time under DOC supervision, including parole = 44 months.</td>
<td>Circle the state cost of $45,000, and go to box 14, Recidivism.</td>
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<tr>
<th>Spin 2: 10%</th>
<th>The difficult offender. You do not commit any new crimes while in prison or on parole, but you do a poor job of complying with DOC rules. You accumulate no “earned time” credit, which would have shortened your prison and parole stay. You are not accepted into community corrections and the parole board releases you on the latest possible date. On parole you are revoked 3 times for violations of your parole conditions, each time returning to a DOC facility for 6 months.</th>
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<tbody>
<tr>
<td>Time incarcerated = 66 months.</td>
<td>Total time under DOC supervision, including parole = 84 months.</td>
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<tr>
<td>Circle the state cost of $166,000, and go to box 14, Recidivism.</td>
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<tr>
<th>Spin 3-10: 80%</th>
<th>The typical offender. You are generally well-behaved and accumulate most of the available “earned time” credit. The parole board paroles you after 29 months in prison. You are not accepted into community corrections. You serve 28 months of your parole sentence and are not revoked while on parole.</th>
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<tbody>
<tr>
<td>Time in prison = 29 months.</td>
<td>Total time under DOC supervision, including parole = 57 months.</td>
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<tr>
<td>Circle the state cost of $90,000, and go to box 14, Recidivism.</td>
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The Department of Corrections houses offenders in state-operated prisons or in privately operated prisons that contract with the state. An offender who obeys the rules and complies with the requirements of his assigned programs will reduce his time in prison by accumulating “earned time” credits that are subtracted from his sentence.

Parole is a period of supervised release in the community following confinement, subject to conditions of parole. It is designed to help offenders find employment and housing, adjust to life after prison, and reduce the probability of renewed criminal behavior. Some offenders are eligible for parole when they have served 50% of their sentence, less accumulated earned time credit; certain violent offenders and offenders with a history of violent crimes must serve at least 75% of their sentence, less earned time. Parole hearings are usually held via teleconference before a single member of Colorado’s seven member parole board, who then decides whether to grant parole based on statutory guidelines. Decisions to release are reviewed by a second board member. For more serious
crimes, the entire parole board considers the parole application. Offenders who have not already been paroled by the time they reach the end of their prison sentence (as reduced by earned time credits) must be granted parole.

As parole approaches, about a third of DOC offenders are placed in residential community corrections programs (halfway houses) where they live and check out to go to work. The other two thirds remain in prison and go directly from prison to parole. About 60% of the DOC offenders placed in community corrections complete these programs successfully; those who fail return to the DOC to await parole or a second chance in community corrections. Approximately half of the DOC offenders who do well in community corrections programs remain there until paroled. The other half are allowed before parole to live in an approved private residence under intensive supervision, which frequently includes curfews, electronic monitoring, treatment programs, and drug/alcohol testing. DOC offenders placed in halfway houses are commonly called “transition” offenders because they are transitioning from prison to parole. (Offenders who are sentenced directly to community corrections without first passing through the DOC are commonly called "diversion" offenders because they have been diverted from prison.)

Once on parole, which can last up to 5 years depending on the class of the felony, offenders are subject to various conditions of parole that are set by the parole board. Offenders who obey their parole conditions accumulate earned time credits, which reduce their parole period. A series of technical violations of the parole conditions, or a single major violation, will land the offender back in prison or in a parole-revocation facility. Revocation lasts 180 days if it's a technical violation, longer if it's a new crime. Some parolees are revoked several times during their parole period. The parole clock keeps ticking while an offender is reincarcerated following revocation.

(The DOC gives credit for time spent in jail before entering prison. If the defendant in this exercise remained jailed before trial (see box 3), the resulting 180-day jail credit would reduce state costs for the exemplary offender by $9,500 and reduce costs for the difficult offender and the typical offender by $16,000. Jail credits are omitted to keep the exercise relatively simple.)

<table>
<thead>
<tr>
<th>Average cost of various DOC placements</th>
<th>Cost per day</th>
<th>Cost per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>A bed in a Department of Corrections prison</td>
<td>$86.69</td>
<td>$31,642</td>
</tr>
<tr>
<td>A bed in a private prison.</td>
<td>56.76</td>
<td>20,717</td>
</tr>
<tr>
<td>A bed in a community corrections center plus supervision by the Department of Corrections. ($37.74 per day paid to the Community Corrections Program plus $14.59 per day for DOC supervision).</td>
<td>52.33</td>
<td>19,100</td>
</tr>
<tr>
<td>Supervising and providing supporting services for a DOC offender who is being intensively supervised while living in a private residence prior to parole.</td>
<td>35.77</td>
<td>13,056</td>
</tr>
<tr>
<td>Supervising and providing limited supporting services for a regular parolee.</td>
<td>15.45</td>
<td>5,639</td>
</tr>
<tr>
<td>Supervising and providing limited supporting services for a parolee who is being intensively supervised while on parole.</td>
<td>27.71</td>
<td>10,114</td>
</tr>
<tr>
<td>A bed in the Youthful Offender System (YOS).</td>
<td>173.34</td>
<td>63,269</td>
</tr>
<tr>
<td>After-care for an offender in the Youthful Offender System. (Aftercare is intensively supervised living in centers similar to community corrections facilities after the offender leaves the secure YOS facility in Pueblo.)</td>
<td>98.98</td>
<td>36,128</td>
</tr>
</tbody>
</table>
Sources

2012 Cost Per Offender by Facility, Colorado Department of Corrections, 2012.
Colorado Revised Statutes, Title 16, 2012.