

Joint Budget Committee



Interim Supplemental Request FY 2024-25

Department of Corrections

JBC Working Document - Subject to Change

Staff Recommendation Does Not Represent Committee Decision

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Interim Supplemental Requests

Personal services shortfall

Department request and JBC staff recommendation						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Department request	\$7,375,408	\$7,375,408	\$0	\$0	\$0	0.0
JBC staff recommendation	\$7,375,408	\$7,375,408	\$0	\$0	\$0	0.0
Staff rec. above/-below request	\$0	\$0	\$0	\$0	\$0	0.0

Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? **Yes**
 [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**
 [An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff agrees that the request meets the JBC's supplemental because new data has become available since the appropriation was made.

Department Request

The Department requests over-expenditure authority for \$7.4 million General Fund to cover a shortfall in funding for employee compensation. This includes \$4.1 million for Unfunded Liability Amortization Equalization Disbursement Payment (ULAEDP) and \$3.3 million for shift differential.

In short, there are two things driving the shortfall. First, the Department has been more successful in hiring staff than the total compensation process contemplated. Second, changes made in the Colorado Partnership Agreement have not been fully accounted for in the total compensation process, leading to the shortfall. For example, the request for shift differential is based on the prior year's actual expenditures. This creates a two-year lag in the budgeting process. This request is an indication of the effects of that lag.

The Department required a similar over-expenditure of \$7.2 million last year but did not address it through the interim supplemental process. Rather, it was resolved through the Governor's authority to transfer funding between line items for like purposes.¹ The Department

¹ Section 24-75-108 (9), C.R.S.

transferred money from line items for payments to local jails, utilities, and drug and alcohol treatment services. This path is more limited now because a JBC-sponsored bill clarified what “like purposes” are (S.B. 25-263 Spending Authority Statutes).

Source Appropriation	Target Appropriation	Amount	Rationale
Payments to Local Jails	Housing and Security - Personal Services	\$4,000,000	Both line items serve the same purpose of protecting the safety and security of inmates who have been committed to DOC custody.
Drug and Alcohol Treatment - Contract Services	Medical Services - Personal Services	\$2,163,571	Both line items serve the purpose of supporting the medical needs of inmates.
Utilities	Maintenance - Personal Services	\$1,000,000	Both line items serve the same purpose of maintaining the physical plant of DOC facilities.
Total		\$7,163,571	

Source: OSPB letter to the JBC

The request suggests that the current \$7.4 million over-expenditure will be partially offset by an expected reversion of \$5.1 million in the *Transgender Healthcare* line item. The JBC cannot reduce or restrict that line item through the interim supplemental process.

Staff Recommendation

Staff recommends approval of the request. It is not unexpected. Staff flagged this possibility during the supplemental process and noted the shift differential issue again during figure setting, but made no recommendations at those times.² The calculations in the request are sound and staff therefore recommends its approval.

² JBC staff supplemental budget analysis, January 23, 2025. Pages 3-4.

https://leg.colorado.gov/sites/default/files/cy25_corsup.pdf Also see JBC staff figure setting, March 5, 2025. Pages 10-11. https://leg.colorado.gov/sites/default/files/fy2025-26_corig_0.pdf

Payments to local jails

Department request and JBC staff recommendation						
Item	Total Funds	General Fund	Cash Funds	Reapprop. Funds	Federal Funds	FTE
Department request	\$1,275,578	\$1,275,578	\$0	\$0	\$0	0.0
JBC staff recommendation	\$1,275,578	\$1,275,578	\$0	\$0	\$0	0.0
Staff rec. above/-below request	\$0	\$0	\$0	\$0	\$0	0.0

Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? **Yes**

[The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]

Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? **YES**

[An emergency or act of God; a technical error in calculating the original appropriation; data that was not available when the original appropriation was made; or an unforeseen contingency.]

Explanation: JBC staff agrees that the request meets the JBC's supplemental criteria because it is based on data that was not available when the original appropriation was made.

Department request

The Department requests over-expenditure authority of \$1.3 million General Fund. Its purpose is to reimburse local jails holding DOC inmates. The Department attributes the request to two things.

- 1 An increase in the size of the local jail backlog due to a mid-year reduction in funding for DOC prison beds. Per the request, "Due to the anticipated depopulation of beds as part of the supplemental budget process, the jail backlog increased significantly at the start of 2025 and has continued to rise."
- 2 A mid-year reduction of \$2.6 million General Fund for the line item that funds reimbursements to local jails holding DOC inmates.

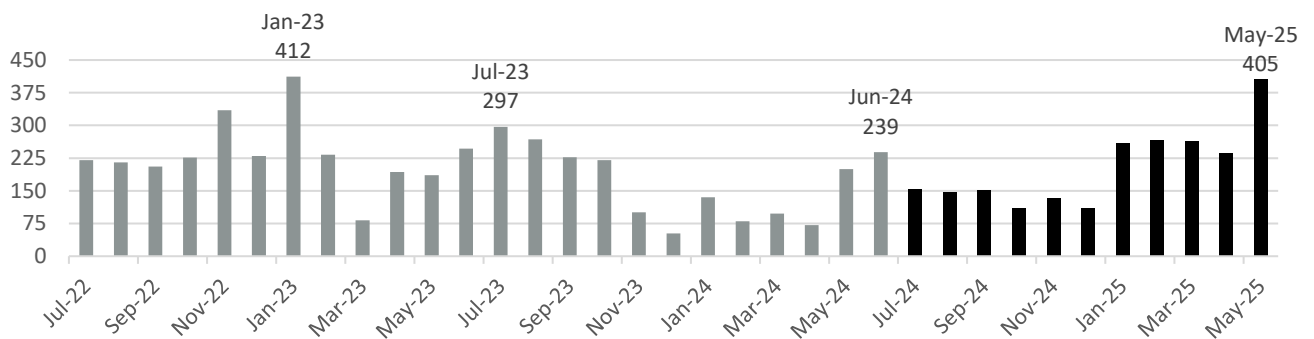
The line item for private prisons is a factor in this request. The total projected over-expenditure for local jails is \$1.8 million and this request is for \$1.3 million. The Department plans to transfer \$554,953 General Fund from the private prisons line item to the local jails line item at the end of the fiscal year to offset the total cost.³ This is possible because the Department underspent funding for private prisons by about \$450,000 from July 2024 through April 2024. The JBC also approved a mid-year increase of \$348,000 General Fund for medium security private prison beds. The following table shows that the final estimated expenditure both line

³ A Long Bill footnote provides the Department with the authority to transfer 1.0% of the total General Fund appropriation for the External Capacity subprogram between line items in that subprogram.

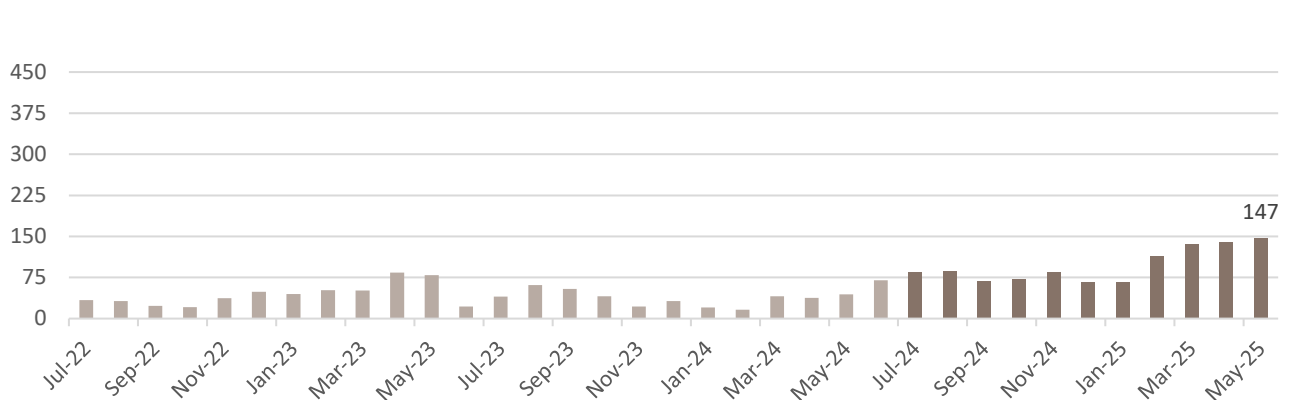
items will be less than the original appropriation for FY 2024-25. This comes out 9 fewer daily private prison beds and 26 fewer daily local jail beds than originally appropriated.

Changes in External Capacity appropriations and expenditures			
Line	Category	Payments to Private Prisons	Payments to Local Jails
A	Starting FY 24-25 appropriation	\$69,950,104	\$9,969,844
B	DOC supplemental request (incremental change) ⁴	0	-280,862
C	JBC action (incremental change)	348,000	-2,567,564
D	OSPB comeback (incremental change)	0	-1,921,637
E	JBC final action and General Assembly approval	348,000	-2,567,564
F	Final FY 2024-25 appropriation	\$70,298,104	\$7,402,280
G	End-of-year adjustment per the request	-554,953	1,830,531
H	Estimated final FY 24-25 expenditure	\$69,743,151	\$9,232,811
I	Difference [H - A]	-\$206,953	-\$737,033
I	Starting FY 24-25 average daily population (ADP) supported by appropriation	2,881 beds	354 beds
J	Ending FY 24-25 ADP based on projected expenditures	2,872 beds	328 beds
K	Difference [I - K]	-9 beds	-26 beds

Male Jail Backlog



Female Jail Backlog



Source: DOC monthly reports.

⁴ The current request says that, at the time of the January supplemental request, the Department expected underuse the local jails appropriation by \$1.9 million. In budget terms, this is called a "reversion."

Staff recommendation

Staff recommends approval of the Department's request. Staff agrees that the jail backlog has increased and the data support the projected over-expenditure. On May 31, 2025, the total jail backlog was 552, including 405 males and 147 females. The current appropriation supports an average daily (billable) backlog of 263. But staff respectfully differs from the Department about why the increase occurred.

Summary of analysis of female jail backlog

Staff partially agrees with the Department's explanation of the female jail backlog. When excluding the Residential Treatment Program (RTP) and Transgender Integration Unit, the vacancy rate was around 1.9% at the end of May 2025. This low rate is partially attributable to a mid-year decrease of 50 female beds at La Vista, which will come back online in July.

However, a change in Department policy is driving an increase in technical parole violation returns to prison and an overall increase in the female inmate population. There also appears to have been a coordinated decision to depopulate RTP beds, which drives up the overall female prison bed vacancy rate.

Summary of analysis of male jail backlog

The male jail backlog is the bigger issue driving this request, as the increase in the female jail backlog does not appear to be large enough on its own to warrant an interim supplemental request.

Staff finds that the large increase in the male jail backlog was not a necessary and inevitable byproduct of fewer minimum security prison beds. Rather, the data suggest policy decisions are key drivers of both the jail backlog and the DOC's total male inmate population.⁵ Specifically, increases in technical parole returns and apparent efforts to keep the prison bed vacancy rate above 3.0%, possibly to avoid triggering statutory prison population management measures.⁶

Staff notes that, per statute, reimbursements to local jails holding DOC inmates are "subject to available appropriations...for a portion of the expenses and costs incurred" by local jails.⁷ This means that approving the over-expenditure is not required by statute.

⁵ [Link](#) to the Department's request. It includes a detailed explanation of the Department's reasoning. It also includes helpful information about the mechanics of jail intakes and complications they have encountered. JBC staff arrived different conclusions about the factors driving the issue. But readers should consider both and draw their own conclusions.

⁶ Section 17-1-119.7, C.R.S.

⁷ Section 17-1-112 (1), C.R.S.

Points to consider

- The JBC should be prepared for a September interim supplemental to increase funding for male prison beds. The male total inmate population is way above the two prison population forecasts from this past December. The Division of Criminal Justice produces an interim forecast every June. If that forecast is much higher than the past December forecast, it would not be unprecedented to see a large interim supplemental request in September to fund more prison beds. The length and scope of staff's analysis aims, in part, at preparing the JBC for this possibility.
- Over the last three fiscal years, the JBC's mid-year budget adjustments for male prison beds have funded more beds than the forecast and formula suggested were necessary. The committee also approved lesser reductions than requested by the Department. These decisions provided the Department with a *de facto* vacancy rate higher than 2.5%. The jail backlog increased at the end of each year anyways.

Comparing JBC action to male prison bed formula and DOC requests			
Supplemental budget	FY 22-23	FY 23-24	FY 24-25
Prison bed budget formula (DCJ forecast, increase/-decrease)	97	-491	-332
Department request for male prison beds (increase/-decrease)	693	-326	-322
JBC action on male prison beds (increase/-decrease)	313	-286	-235
JBC action, beds funded above forecast	216	205	97
% increase jail backlog last 3 months of fiscal year*	102.3%	122.3%	44.9%

* End of June compared to end of previous March. FY 2024-25 compares end of May to the end of the previous February. The jail backlog in FY 2024-25 started to grow in January. When comparing to December 2024, the jail backlog increased by 210.1% through the end of May 2025.

- Policy questions raised by the analysis
 - Is there a way to budget for prison beds that is more consistent and reliable, reflects the General Assembly's policy priorities, and the State's overall fiscal needs and constraints? The current formula is best suited for adjusting external capacity appropriations. It works for that purpose because it is simpler and can be adjusted in smaller increments. The current formula does not work well with respect to state prison beds, which are more complicated and not adjustable in smaller increments.
 - Should the General Assembly pay for more prison beds to support an increase in technical parole returns, which stems in part from a change in Department policy? What happens to overall prison capacity if or when the Department fills those beds with parole violators?
 - Should the General Assembly change the statutory threshold of a 3.0% vacancy rate for prison population management measures? Or, alternatively, increase the budgeted vacancy rate and increase appropriations accordingly?
 - Has there been a policy shift regarding the DOC's Residential Treatment Program? If so, why? What bearing does it have, if any, on the jail backlog, the 3.0% statutory vacancy rate threshold, and prison population management more broadly?

Analysis

Background: Jail backlog, security levels, vacancy rates

What is the jail backlog?

The term “jail backlog” refers to people who have been sentenced to the DOC’s custody and are housed in a county jail. Most of these are “new court commitments,” or people who have been recently sentenced by the courts. A much smaller number are parole violators who are in jail when they are revoked back to the DOC’s custody.

Inmates in the jail backlog are awaiting transfer to the DOC’s Denver Reception and Diagnostic Center (DRDC), where new inmates receive an initial custody classification. This classification indicates the level of security required to manage the inmate. Different prisons offer different levels of security, so the classification process plays a large role in determining which prison the inmate may be assigned to.

A brief review of custody classifications and security levels

Custody classification is basically a risk management tool. The DOC classifies every inmate based on the level of security required to safely supervise that inmate. Close custody inmates are the riskiest and require the highest level of security and supervision. Minimum security inmates are the least risky and require much less supervision.

DOC prisons offer varying levels of security, which guides where the Department can place an inmate. Level 5 facilities are the most secure and Level 1 prisons are the least secure. Generally, inmates needing high levels of security cannot be placed in lower-security facilities and living units. But inmates needing low levels of security may be placed in higher security facilities.

Security/Custody	Level 5 (Most secure)	Level 4	Level 3	Level 2	Level 1
Close (Most secure)	Yes			No	
Medium	Yes			No	
Minimum-restricted	Yes				No
Minimum	Yes				

Vacancy rates

The vacancy rate shows the percentage of operational prison beds that are not occupied by an inmate. The DOC’s monthly reports show two types of vacancy rates.

- 1 Vacancies across all DOC security levels and bed types (excluding infirmary and restrictive housing). Budgeting for prison beds assumes that 2.5% of these beds will be held empty for prison population management purposes.
- 2 Vacant prison beds *excluding* the residential treatment program (RTP). This excludes 495 males RTP beds, 48 female prison beds, and the inmates occupying those beds.

Factors driving the male jail backlog

Increases in the total male inmate population

The jail backlog is just one component of the total inmate population. The total inmate population refers to all individuals sentenced to the custody of the DOC. This population includes inmates who are housed in prison facilities, in the community through community corrections or the intensive supervision program, or in local jails. The prison population forecasts produced by the Division of Criminal Justice (DCJ) and the Legislative Council Staff (LCS) show the total inmate population. These forecasts have long served as the basis for prison bed budgeting.

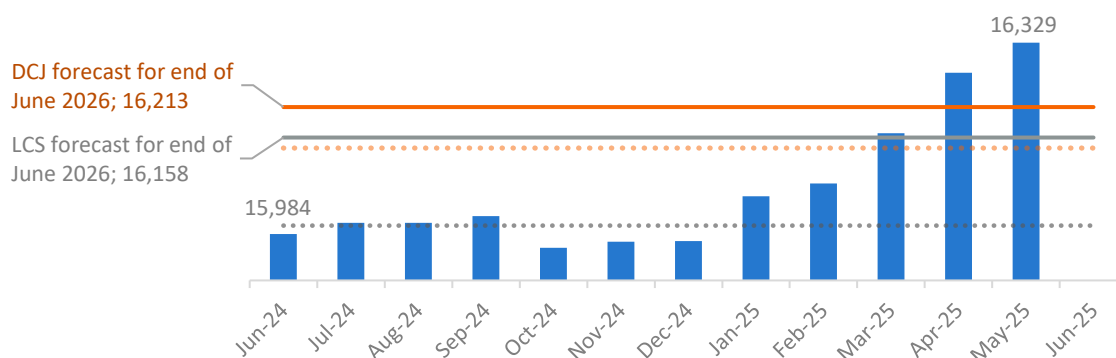
Summary: The male total inmate population is currently much higher than the prison population forecasts projected. Staff's analysis finds that returns to prison for technical parole violations (TPVs) are outpacing slight declines in new court commitments and other forms of admissions. TPV returns are also staying in prison longer than they did before the coronavirus pandemic. Total releases from prison have increased but not enough to keep pace with admissions boosted by TPV returns. The result is a net increase in the total inmate population.

Unlike new court commitments, the DOC possesses some level of control over returns for technical parole violations. As recently as FY 2022-23, it was the Department's policy to decrease the technical parole violation rate. That policy has changed. The increase in TPV returns parallels a decline in the absconder/fugitive population. This change can affect the jail backlog by making scarce types of prison beds even more scarce (e.g. medium security), reducing the Department's ability to clear the jail backlog. That is why staff characterizes the jail backlog as a partial byproduct of this Executive Branch policy decision.

The total male inmate population is much higher than forecasted

The male inmate population at the end of May 2025 was higher than both prison population forecasts for June 2026. It was much higher than projected for the end of this fiscal year.

The total male inmate population (blue column) is well above the projected population in the forecasts submitted in December 2024. *Dotted lines show FY 2024-25 projections.*



Source: DOC Monthly Prison Population and Capacity reports. The FY 2025-26 budget is based on the LCS forecast.

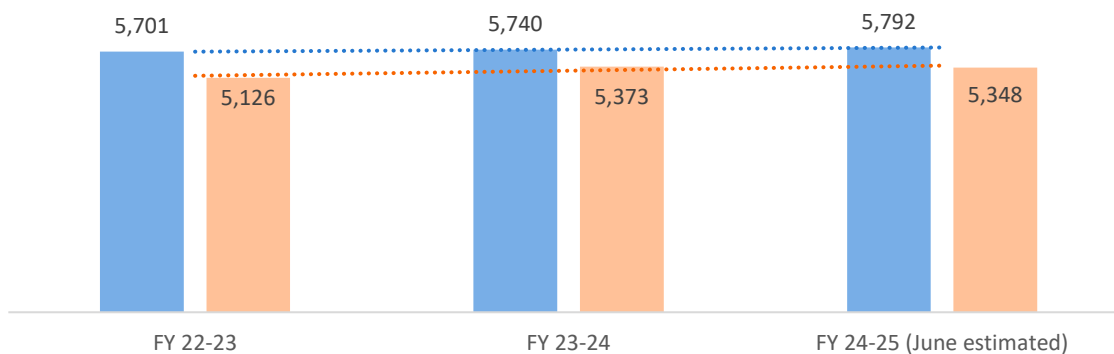
Total admissions to the DOC are outpacing releases

When admissions outpace releases, the inmate population increases. This has been the case over the past two years. The data show that total admissions have increased slightly since FY 2022-23. Total releases have increased more substantially but not enough to outpace admissions.

Admissions vs. releases

Admissions have outpaced releases over the last three fiscal years.

Dotted lines are linear trendlines

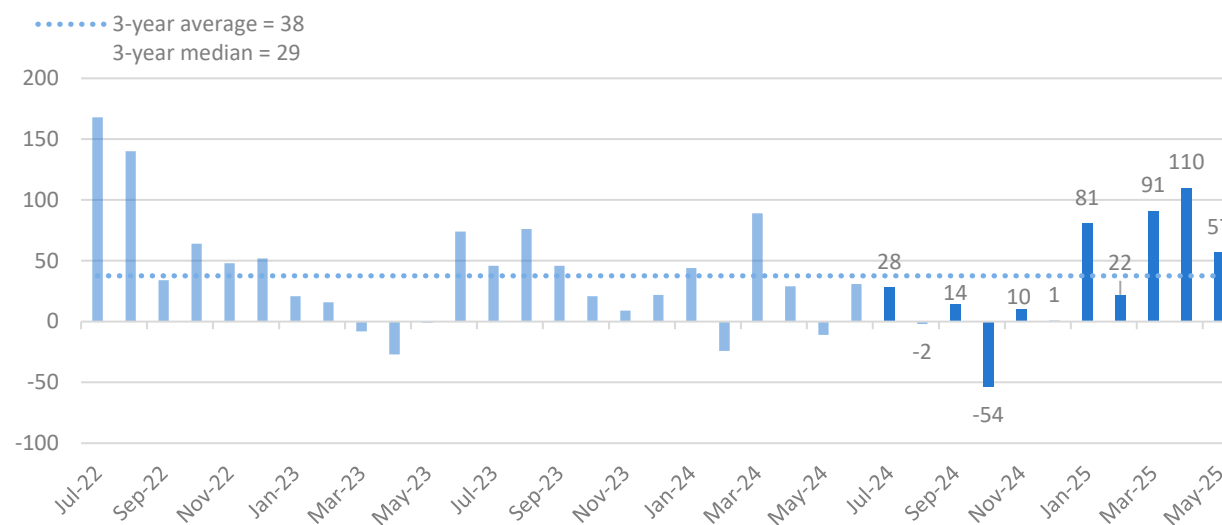


Source: DOC monthly reports. The estimate for June 2025 represents the average over the previous three months.

In the last five months, admissions greatly outpaced releases. The net monthly change was well over the average and the median for the last fiscal year three years. The median monthly change is lower than the average for all three fiscal years, indicating that there are more months on the lower end of the spectrum than the higher end.

Net monthly change in the total male inmate population

The monthly net increase from January through May 2025 was well over the 3-year average and median.



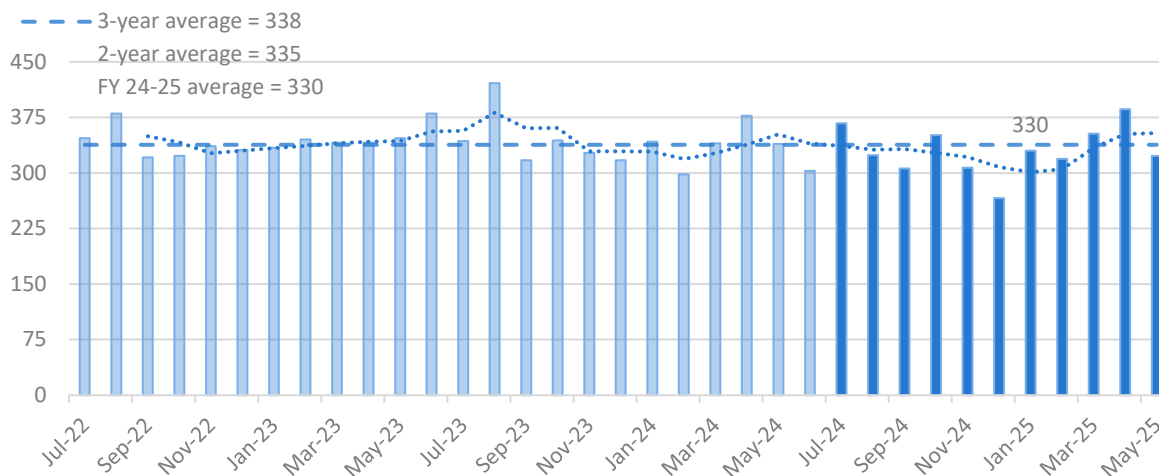
Source: DOC monthly reports.

Increases in technical parole returns outpace slight declines in new court commitments

New court commitments have slightly decreased over past two fiscal years. This admission type accounts for over 90.0% of inmates in the jail backlog. There was not an unusual spike in new court commitments over the last few months. April's intake exceeded the historical average but it was not unusual.

Male new court commitments (monthly)

There has been a slight decline in the monthly number of new court commitments over the last three fiscal years. *Dotted line shows 3-month moving average. Dashed line shows 3-year average.*

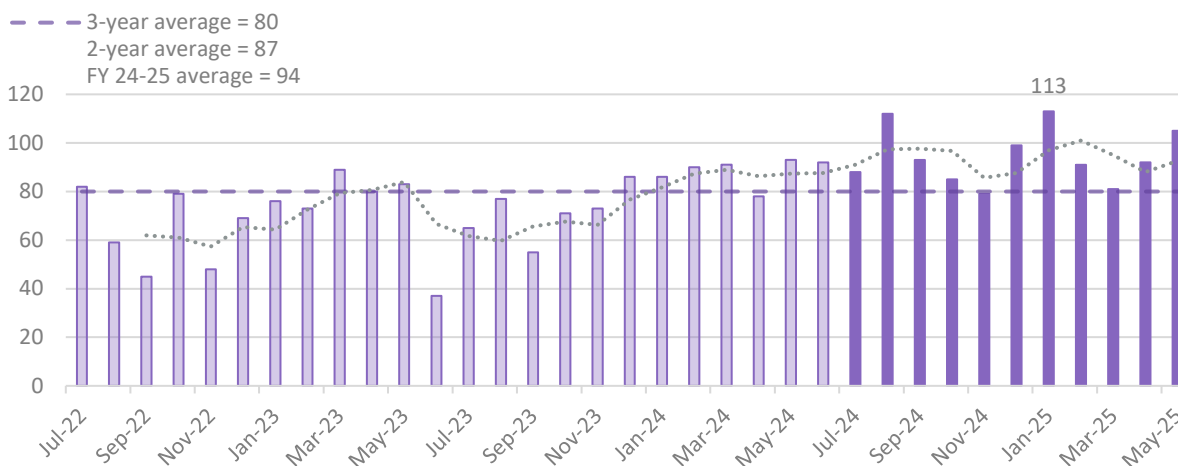


Source: DOC monthly reports

An increase in technical parole returns offsets the slight decline in new court commitments. These returns are staying in prison longer than they did before the coronavirus pandemic.

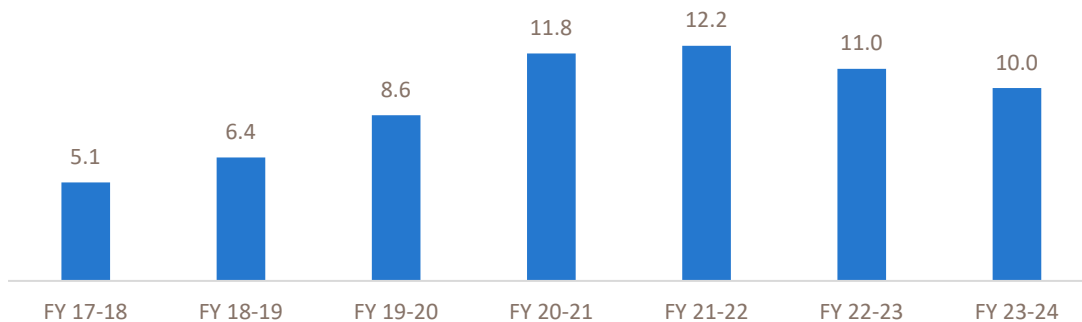
Male technical parole returns (monthly)

The number of technical parole returns in FY 24-25 is projected to exceed FY 2022-23 by 336 and FY 2023-24 by 194. *Dotted line shows 3-month moving average. Dashed line shows 3-year average.*



Source: DOC monthly reports

Average length of stay in prison for technical parole returns (in months)



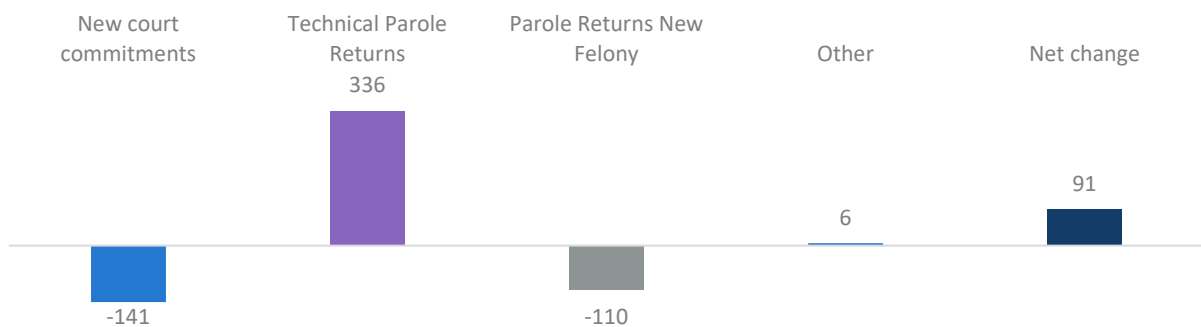
Source: Division of Criminal Justice, Department of Public Safety⁸

In sum, an increase in technical parole returns over the past two fiscal years offset declines in other admission types. The result is a net increase in admissions. The net increase in admissions driven by technical parole returns reduces space for new intakes from local jails unless there is an offsetting increase the budget for prison beds.

Staff notes that the request says, “Currently, DOC has contracts with Washington and Park counties for 100 beds to house technical parole violators.” If true, it is a brand-new development. The DOC’s most recent monthly report (May 31, 2025) shows zero inmates in contract county jails. This has been the case since August 2019, when there was one inmate in a contract county jail.

Total FY 2024-25 male admissions to DOC compared to total FY 2022-23 admissions, by type

The growth in technical parole returns outpaced decreases in other admission types, leading to an estimated net increase of 91 admissions.



Source: DOC monthly reports. FY 24-25 admissions represent actual figures through the end of May 2025. The month of June 2025 represents the average of the prior three months.

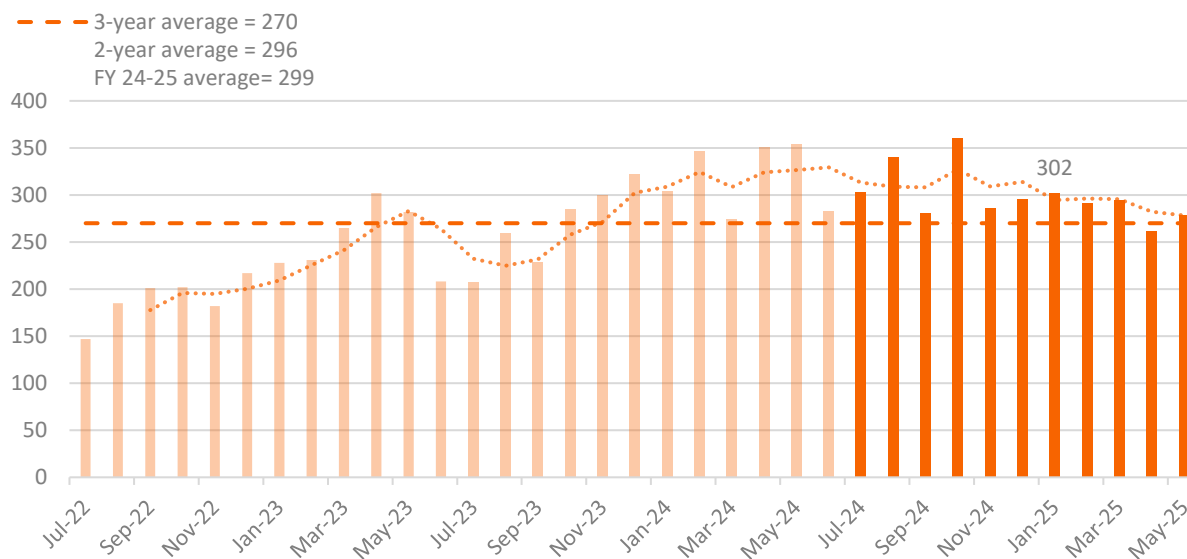
⁸ Per the Division of Criminal Justice, the increase in the length of stay in prison for technical parole violations is mainly attributable to the enactment of SB 19-143 (Parole Changes). The bill eliminated parole revocations to DOC for determinate periods, in addition to accelerating releases.

Discretionary paroles are driving the overall increase in releases from prison

A discretionary parole when an inmate is released into the community before their mandatory parole date. Discretionary parole depends on: (1) the parole eligibility date, which depends on the sentence and the offense, and (2) approval by the Parole Board, which evaluates and makes decisions on parole applications.

Male discretionary parole releases (monthly)

Male discretionary paroles increased over the past three fiscal years but tapered off in the second half of FY 2024-25. Dotted line shows 3-month moving average. Dashed line shows 3-year average.

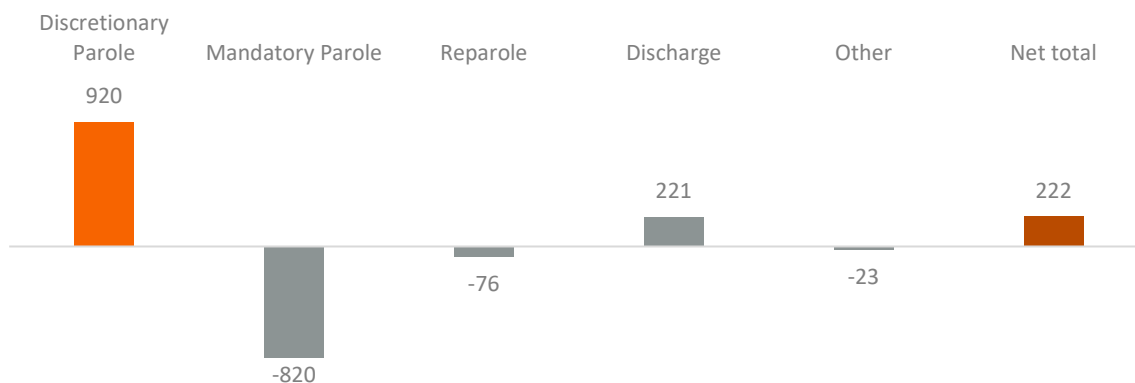


Source: DOC monthly reports

In sum, releases from prison have increased over the last two fiscal years. However, total releases from prison have not caught up to total admissions to prison. The difference increases the total male inmate population.

Total FY 2024-25 male releases from DOC compared to total FY 2022-23 releases, by type

Growth in discretionary parole releases outpaced declines in mandatory paroles.



Source: DOC monthly reports. FY 24-25 releases represent actual figures through the end of May 2025. The month of June 2025 represents the average of the prior three months.

Prison population management

Summary: The available data do not suggest that a large increase in the jail backlog was, or is, a necessary and inevitable byproduct of fewer minimum security prison beds. Rather, there is a mismatch between the number of available medium security beds and the number of new intakes from local jails requiring medium security. This mismatch is driving the increase in local jail backlog. The JBC approved a mid-year funding increase for medium security beds that the Department will not fully use.

The data also suggest that an effort to hold the vacancy rate above 3.0% is likely a major factor driving increases in the local jail backlog over the past three fiscal years, including the current backlog. Falling below the 3.0% threshold for 30 consecutive days—both males and females, state and private prison—triggers statutory prison population management measures.

The data show that the jail backlog has increased at the end of each of the last three fiscal years. The current budgeting process assumes that the vacancy rate at the end of the year will slip under 3.0%. The current budgeting process and the apparent policy desire to maintain a 3.0% vacancy (or higher) are at odds. This is likely to produce end-of-year increases in the jail backlog. If the total inmate population also increases unexpectedly at the end of the fiscal year, it follows that the jail backlog will balloon to current levels.

Scarce beds in higher security prisons hinder jail intake

There is a mismatch between the number of available medium security beds and the number of new intakes from local jails requiring medium security. This mismatch is driving the increase in local jail backlog. Per the Department, the medium security vacancy rate was around 0.3% about a week before this presentation. Most new intakes from local jails receive a medium security classification.

The DOC frequently reiterates that “a bed is not a bed.” This is a reference to the fact that different types of prison beds have different qualities, which means that inmates cannot be indiscriminately placed. Along these lines, the DOC reiterates the need for medium security beds (Level 3) over the past couple of budget cycles.

“Level III beds are the most widely used beds within the department...Level III Medium Custody male beds constitute the largest percentage of any bed type at 60.3% of all available beds. This represents our greatest bed space need by inmate classification. Level III beds are our system's most versatile and widely used programmatic and security placement options for general population inmates.”⁹

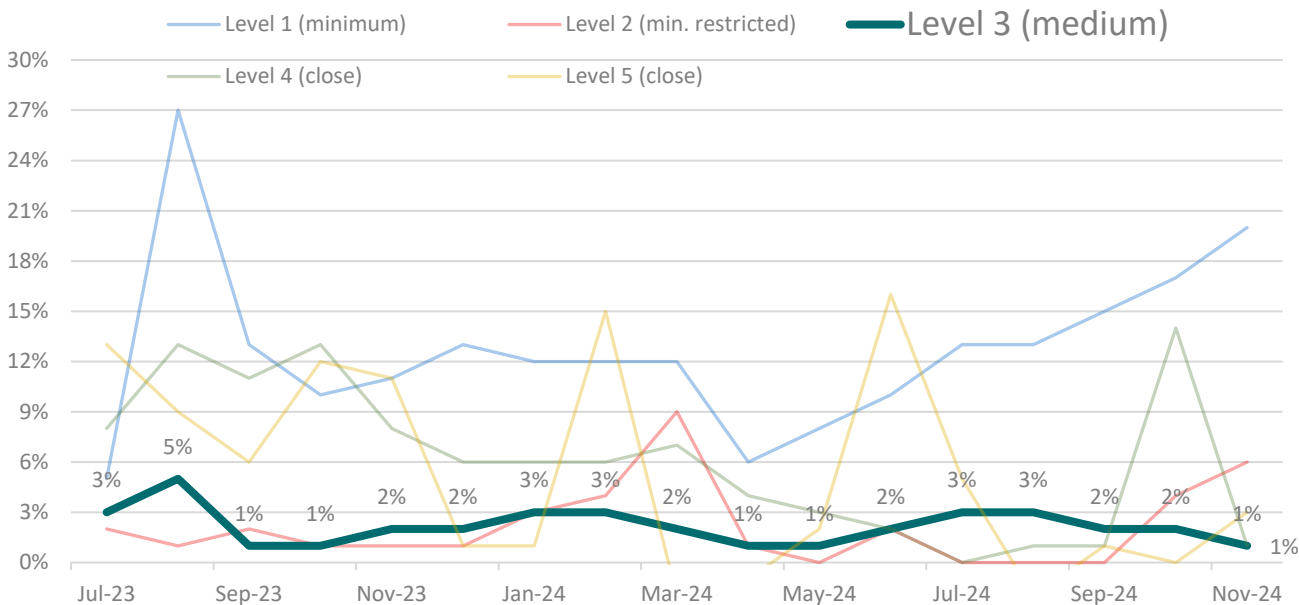
The DOC’s hearing with the JBC this past December touched on this issue again. “Historically, the beds with the lowest vacancy rate and highest demand are Level III beds.”¹⁰ The following

⁹ [Link](#) to OSPB Comeback, January 24, 2024. Page 4.

¹⁰ DOC Hearing with the JBC, December 13, 2024: https://leg.colorado.gov/sites/default/files/fy2025-26_corhrg_0.pdf. Page 8.

graph closely re-creates the same graph that the DOC showed to the JBC during that hearing, but highlights the Level 3 medium custody vacancy rate.

Male bed vacancy rates, by security level, July 2023 through November 2024

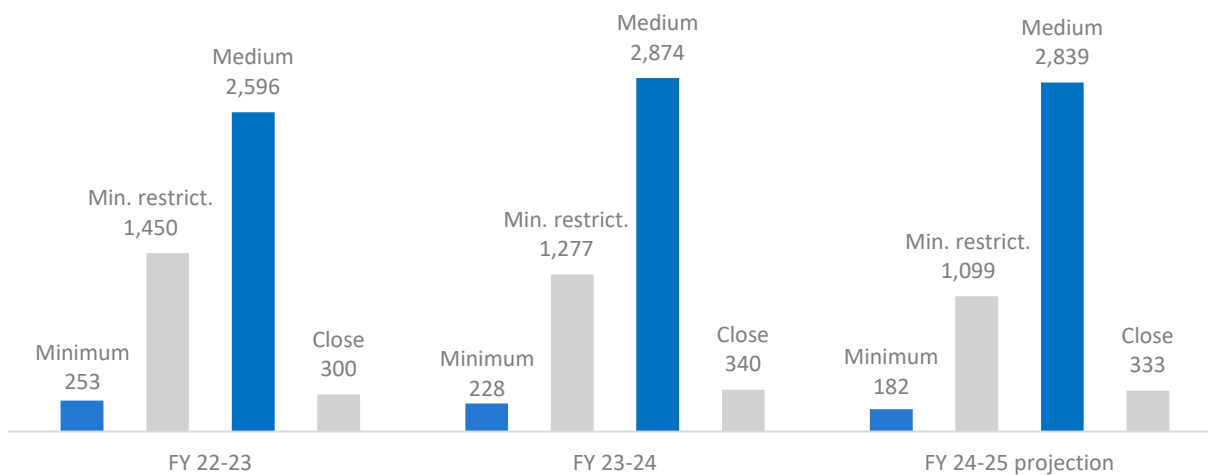


Source: Re-creation of DOC hearing presentation to the JBC, Dec. 13, 2024

Most new intakes from local jails go to the higher security facilities. Specifically, most go to medium security facilities. Relatively few go to minimum security facilities.

Initial custody/security levels of male new intakes

About 60.0% of new intakes are classified as medium custody/security. Less than 5.0% are classified as minimum.



Source: DOC. FY 24-25 projection based on reported initial custody classifications through the end of January 2025. JBC staff does not know at this time whether technical parole returns are included in the data.

What did the mid-year budget adjustment include?

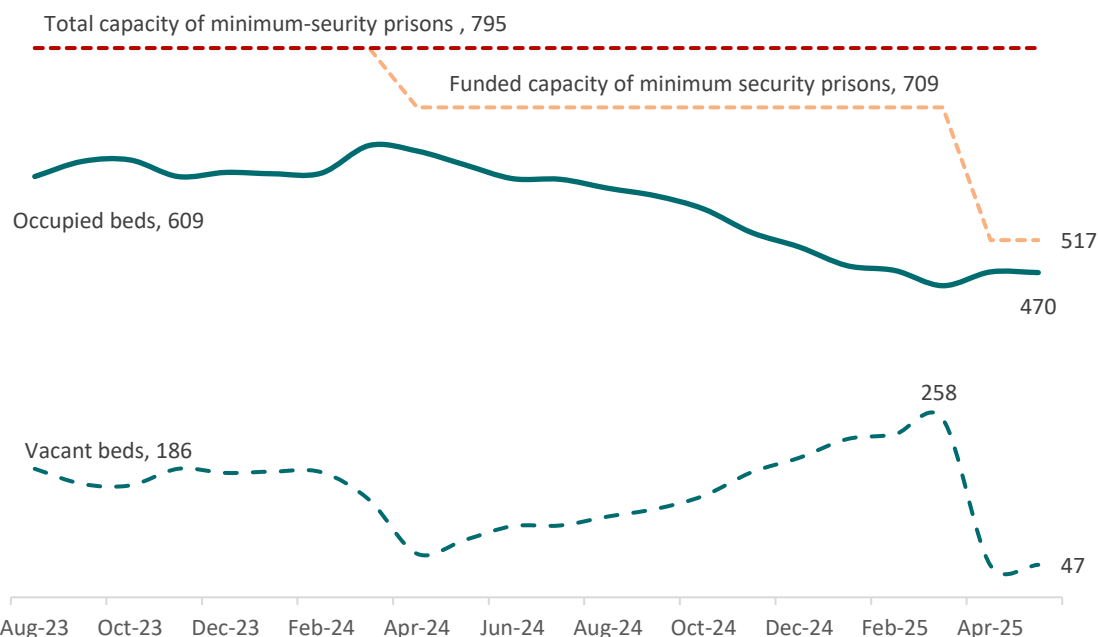
The JBC approved reductions for increasingly vacant minimum-security beds and unused/unstaffed beds at Sterling. The JBC also approved a mid-year increase of \$348,000 for scarce medium security beds that are the most useful when it comes to reducing the jail backlog. Very few new intakes are classified for minimum security prisons.

FY 2024-25 mid-year adjustments to male prison beds (pro-rated last 3 months of fiscal year)			
Facility	Security/Custody Level	Beds (change)	Reason
Private prisons	3—Medium	57	Medium security beds in high demand
Delta	1—minimum	-192	Minimum security beds in low demand, many vacant
Sterling	2—minimum restricted	-100	Understaffed and unused
Total		-235	

Note: The private prison appropriation will increase by 16 more beds for a total increase of 73 in FY 2025-26. The Delta and Sterling reductions are maintained at these levels in FY 2025-26.

Male minimum security capacity and occupancy

The Level 1 minimum security vacancy rate at the end of May 2025 was about 9.0%.



Source: DOC monthly reports.

However, the \$348,000 increase for medium security beds will not be fully utilized for that purpose. The Department underused the appropriation for private prisons (medium security beds) between July 2024 and April 2025. This produced enough savings to absorb most of the cost of higher use at the end of the fiscal year. The current request shows that the Department will transfer more than \$500,000 General Fund from the private prisons line item to the local jails line item to offset the projected over-expenditure for local jails. This means the mid-year increase for scarce medium security prison beds will end up paying for the local jail over-expenditure.

Underutilization of the <i>Payments to in-state Private Prisons</i> line item		
A	Actual expenditure July 2024-April 2025	\$57,821,570
B	Per-diem rate	\$66.52
C	Days	304
D	Actual average daily population July 2024-April 2025 [A/B/C]	2,859
E	Appropriated average daily population July 2024-March 2025	2,881
F	Difference [D – E]	-22
G	Estimated savings from underutilization [B * C * F]	-\$444,886
H	Mid-year increase	\$348,000

Projected under-expenditure in the <i>Payments to in-state Private Prisons</i> line item			
	Final Appropriation	Total expenditure (projected)	Difference
Expenditure	\$70,298,104	\$69,743,151	-\$554,953
Average daily population	2,895	2,872	-23
Per-diem rate	\$66.52	\$66.52	\$66.52
Days	365	365	365

An effort to keep the prison bed vacancy rate above 3.0%

Staff concludes that an effort to hold the vacancy rate above 3.0% is very likely a major factor driving increases in the local jail backlog over the past three fiscal years, including the current backlog. Falling below the 3.0% threshold for 30 consecutive days—both males and females, state and private prison—triggers statutory prison population management measures.¹¹ These measures include:

- Identification of unutilized community corrections beds (expected to underspend its appropriation by about \$2.8 million General Fund in the current fiscal year)
- Parole Board and DOC reviews of prospective parolees meeting certain criteria
- Exclusion of inmates convicted of certain crimes, displaying certain behavioral issues, and regressions from community corrections and parole.

Two and half years ago, the Department told JBC staff that it had slowed jail intake and opened unfunded prison beds to stay above the 3.0% threshold.¹² The issue appears to be ongoing, but it is not clear how the Department calculates that 3.0% threshold. Recent questioning did not yield response that would allow staff to calculate it independently. In November 2024, JBC staff asked the Department how it calculates the vacancy rate for the purposes of Section 17-1-119.7, C.R.S. The Department responded with:

“To calculate the prison bed vacancy rate for the purposes of Section 17-1-119.7 the Department looks at the utilized, operational capacity at each security level and facility

¹¹ Section 17-1-119.7, C.R.S. Prison Population Management Measures. The threshold to trigger these measures changed from 2.0% to 3.0% in S.B. 19-143 (Parole Changes). Also see JBC Staff Briefing, Dec. 4, 2024. Pages 38-39. https://leg.colorado.gov/sites/default/files/fy2025-26_corbrf.pdf

¹² JBC staff comeback, January 30, 2024. Page 16 of the PDF. <https://leg.colorado.gov/sites/default/files/cb3-01-30-24.pdf>

and subtracts the total number of inmates to arrive at the total number of vacant beds. The Department's Office of Planning and Analysis has created an internal dashboard so vacancy rates can be tracked on a daily basis to facilitate prison operations and population management."

Timeline facts

- **Over the past three years, the jail backlog increases markedly whenever the vacancy rate approaches 3.0%.** This happened at the end of each of the last three fiscal years (including this one) and during the January 2023 mid-year budget process. Prior to the coronavirus pandemic, the Department regularly operated below the 3.0% threshold. Prison bed budgeting was based on a 2.0% vacancy rate at that time.
- **A steady increase in vacant beds at minimum security prisons began in March 2024.** The prison population forecast from June 2024 showed virtually no change in the total male inmate population (-4). The jail backlog was low through the end of November 2024 as minimum-security vacancies climbed above 170, a vacancy rate of about 25.0%.
- **A steady decrease in the residential treatment program began in mid-2024.** The decrease occurred for both males and females. The male RTP population began falling in October 2024 and the female RTP population began falling in August 2024. The non-RTP vacancy rate falls when the RTP population falls. But the regular vacancy rate increases.
- **The most recent increase in the jail backlog began in January 2025.** This occurred after the DOC submitted its mid-year budget request (January 9) and before the JBC made decisions about mid-year changes to the prison bed budget (March 4). It also coincides with the largest monthly increase in technical parole returns in the past three years (113 in Jan. 2025).

Relationship between jail backlog and different vacancy rate measures

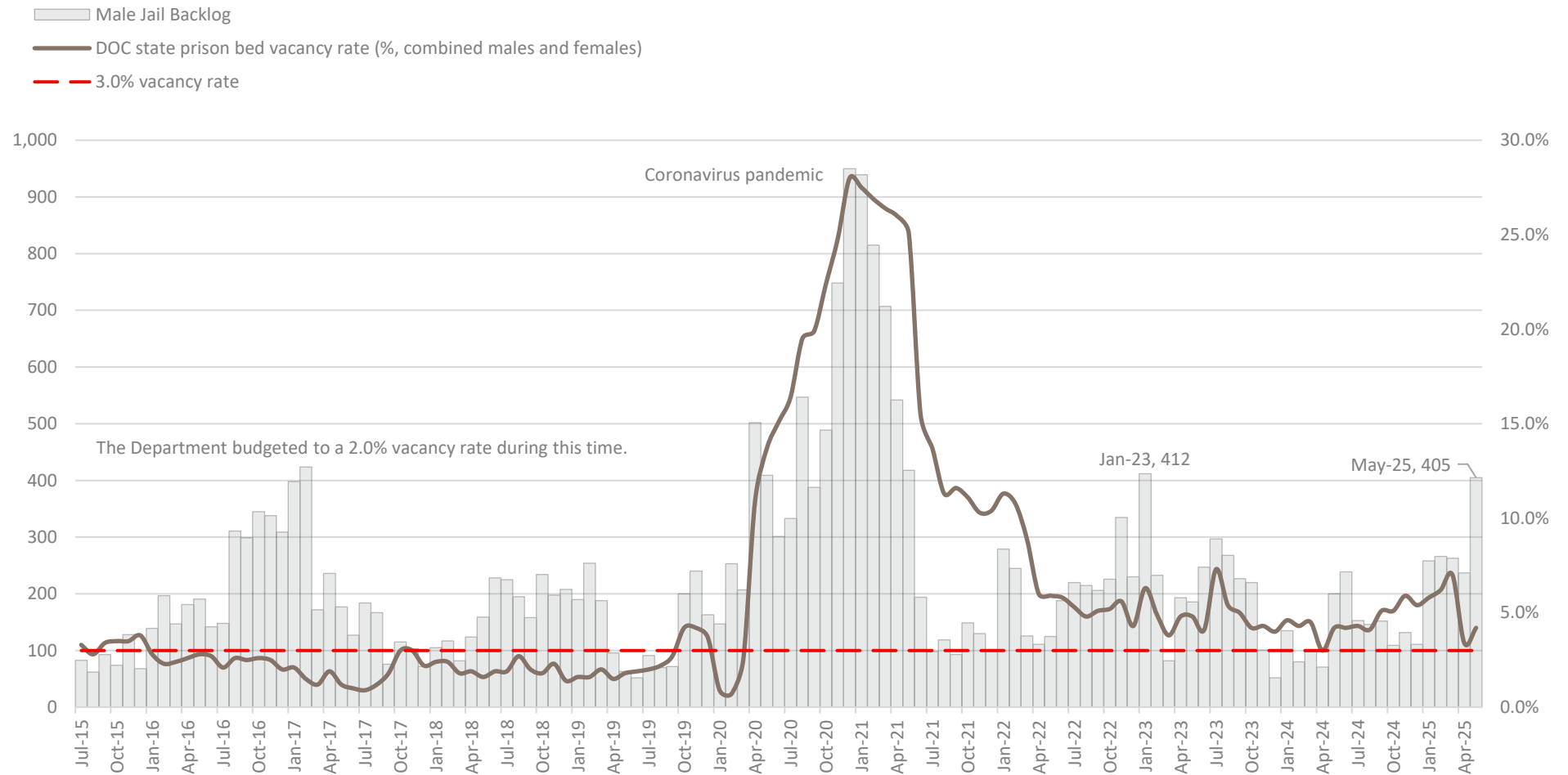
JBC staff built a series of graphs to show that the jail backlog increases whenever the overall vacancy rate approaches 3.0%. Each graph shows the same basic concept but with different vacancy rate measures. Graphs 1 and 2 provide contextual information.

List of graphs

- Graph 1: Combined male-female state prison bed vacancy rate
- Graph 2: DOC reported male state prison bed vacancy rate
- Graph 3: JBC-staff's adjusted male state prison bed vacancy rate (excludes minimum security prisons)
- Graph 4: DOC reported state prison bed vacancy rate (excludes residential treatment program, or RTP)
- Graph 5: JBC staff's adjusted state prison bed vacancy rate (excludes residential treatment program and minimum-security prisons)

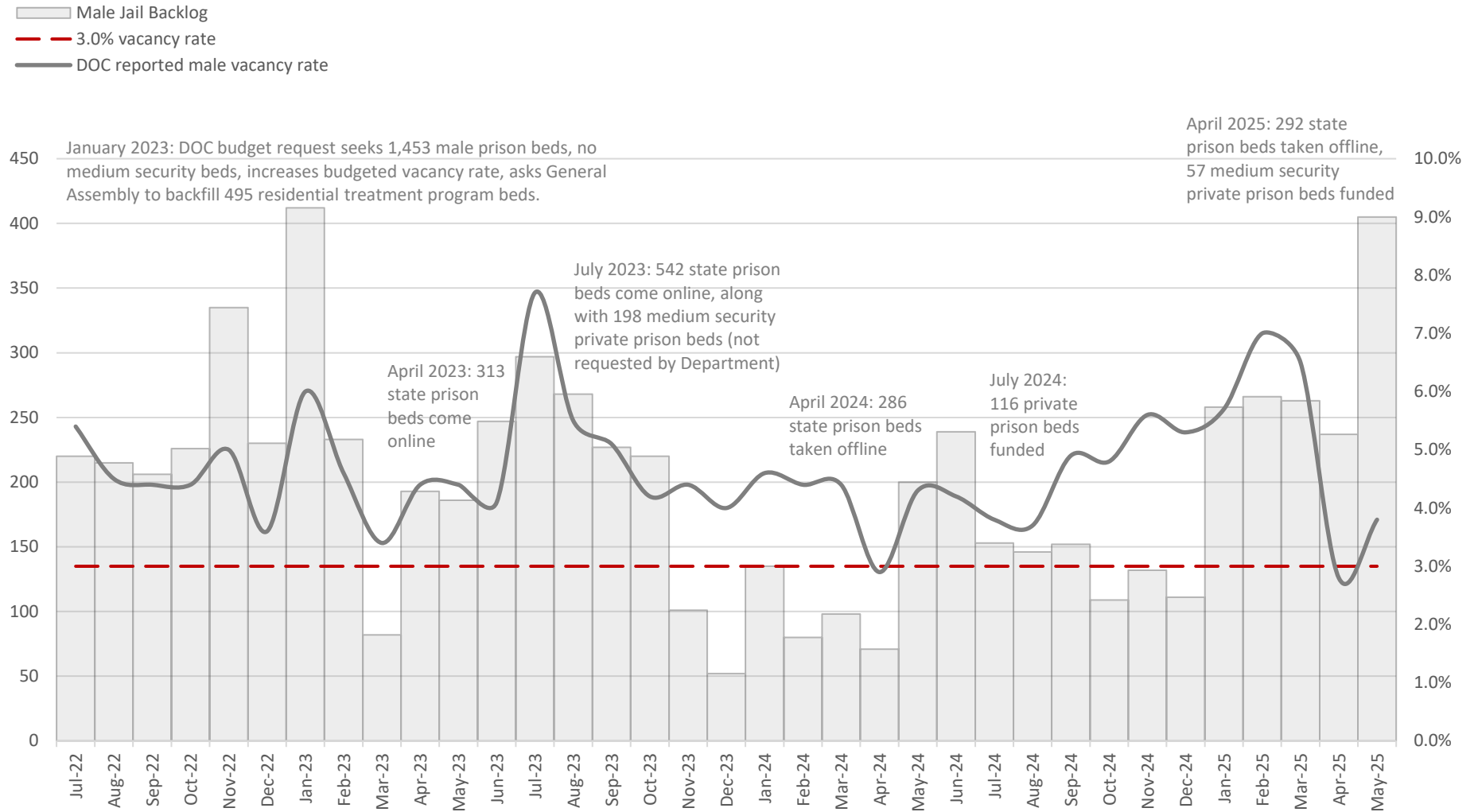
Graph 1 Historical context: Male jail backlog and combined male-female state prison bed vacancy rate

The graph shows that the DOC operated below a 3.0% vacancy rate before the coronavirus pandemic. The male vacancy rate comprises the most of the combined vacancy rate.



Source: DOC monthly reports.

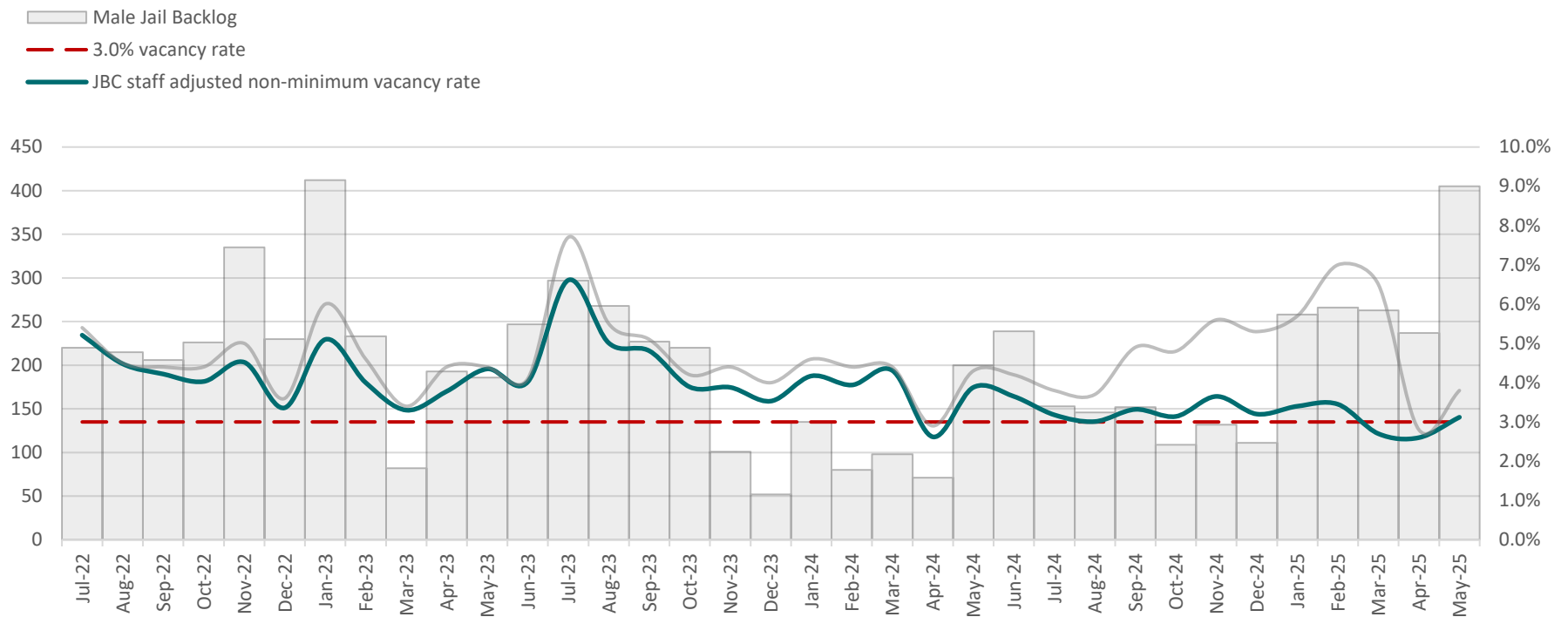
Graph 2: Male jail backlog and reported male state prison bed vacancy rate



Source: DOC monthly reports.

Graph 3: Male jail backlog and JBC-staff's adjusted male state prison bed vacancy rate

The graph shows the adjusted vacancy rate, without minimum security prisons, relative to the reported rate. It shows little change throughout the current fiscal year and only a slight dip after mid-year budget adjustments took effect.

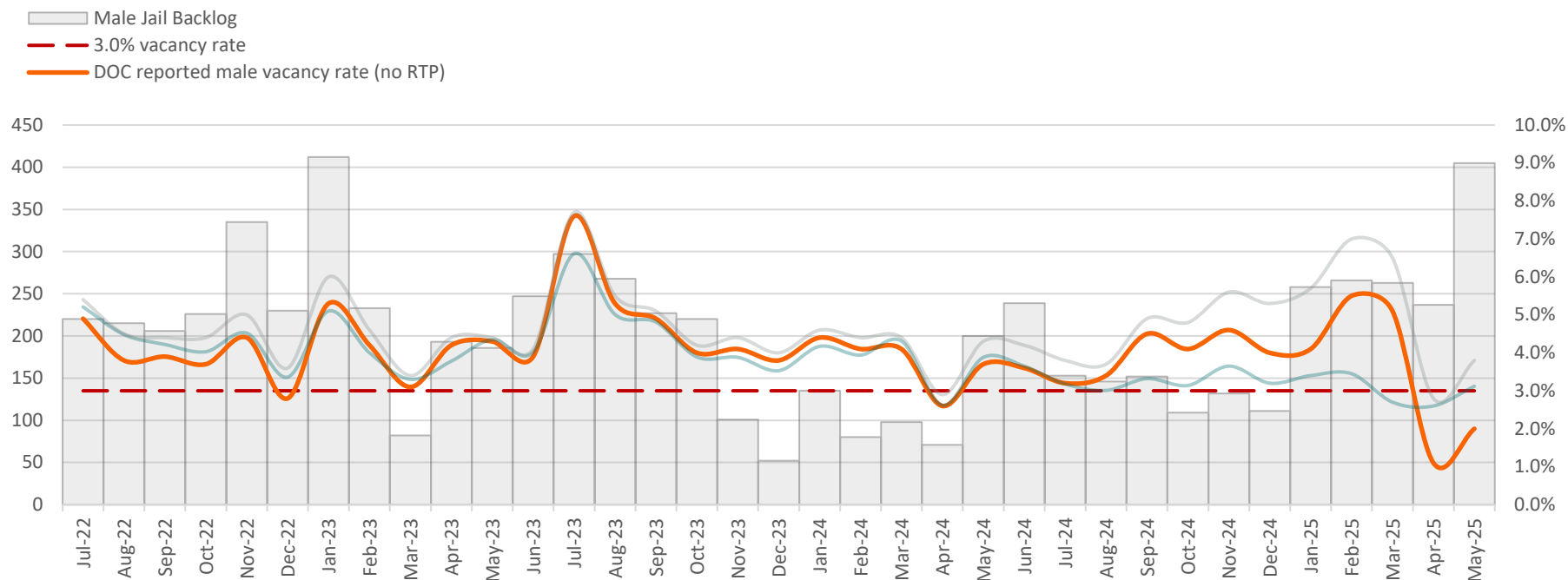


Source for reported rate: DOC Monthly Prison Population and Capacity reports. Method for adjusted rate: (Male operational capacity – minimum security prison capacity – 100 beds at Sterling from Sept. 2024 through March 2025) or “Adjusted male capacity” – (Male state prison population – minimum security prison population)/Adjusted male capacity.

Staff removed minimum security facilities and 100 unused beds at Sterling from the vacancy rate calculation to produce an “adjusted vacancy rate.” The adjusted rate reflects the number of vacant beds at non-minimum security state prison for males. It dipped slightly after the mid-year budget adjustments took effect in April 2025. It also shows that very high vacancy rates in minimum security facilities (and the 100 unused beds at Sterling) buffered the reported male vacancy rate well before mid-year budget reductions were discussed and implemented.

Graph 4: Male jail backlog and reported state prison bed vacancy rate (excludes residential treatment program, or RTP)

The graph shows the reported non-RTP vacancy rate for males compared to the overall rate and JBC staff's adjusted rate



Source for reported rate: DOC Monthly Prison Population and Capacity reports.

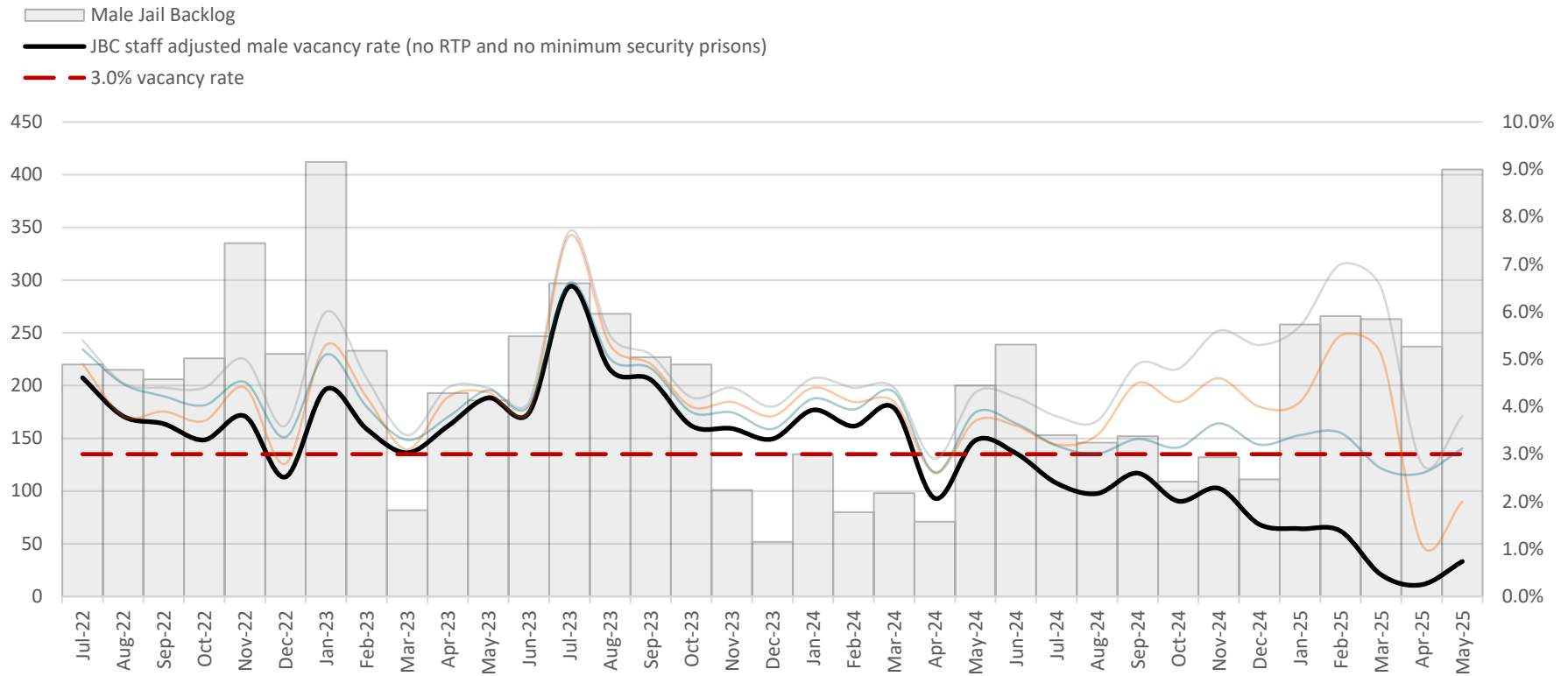
The DOC also reports the vacancy rate at state prisons with residential treatment program (RTP) beds and inmates excluded. The RTP offers treatment for inmates with serious mental illness or significant functional impairment. There are many criteria for placement in the program.¹³ RTP beds are considered “capacity” for budgeting purposes and have been for many years. During the DOC’s recent hearing with the JBC, the DOC wrote, “Residential Treatment Program (or RTP) beds are included as part of the total capacity since inmates are assigned to these beds on a permanent basis.”¹⁴

¹³ See [DOC Administrative Regulation 650-04](#).

¹⁴ DOC Hearing with the JBC, December 13, 2024: https://leg.colorado.gov/sites/default/files/fy2025-26_corhrg_0.pdf. Page 8.

Graph 5: Male jail backlog and JBC staff's adjusted state prison bed vacancy rate (excludes residential treatment program)

The graph shows the adjusted non-RTP rate, which excludes both minimum security prisons and 495 residential treatment program beds.



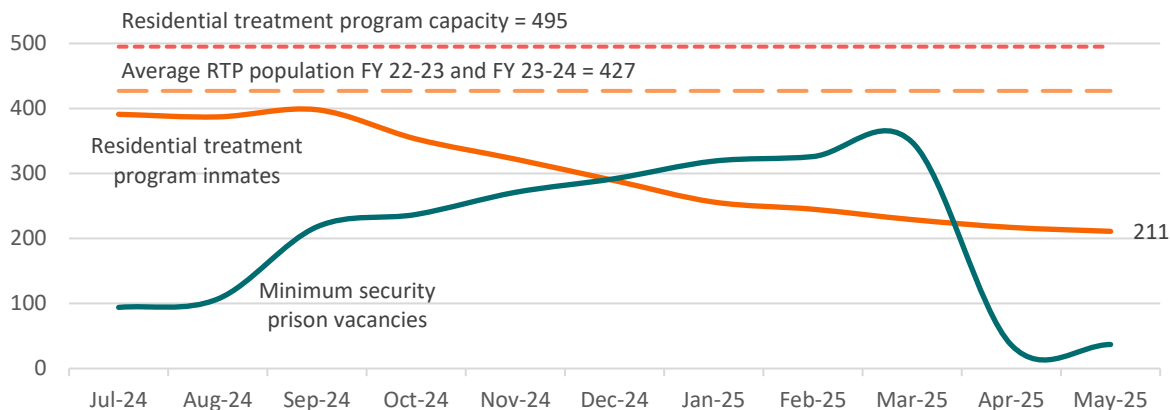
The scarcity of beds in higher security facilities appears more acute when removing both residential treatment program (RTP) beds and minimum-security prisons from the calculation. The key factor here is a dramatic decline in the RTP population. Vacant RTP beds drive the overall vacancy rate up. But they drive the non-RTP vacancy rate down. It suggests that the large run-up in minimum security vacancies buffered both the overall male vacancy rate and the non-RTP vacancy rate.

Residential treatment population falls and minimum-security vacancies rise

The male RTP population declined considerably throughout the current fiscal year, dropping by almost half, to 211 out of 495 beds. The RTP population is now well below the average population over the last two fiscal years (427). This coincides with the female RTP population dropping by almost 75.0%, to 11 out of 48 beds. At the same, there was a considerable increase in vacant minimum security prison beds.

Decline in male inmates assigned to the residential treatment program

The number of males in the Residential Treatment Program fell by almost 50.0% in FY 2024-25.



Somewhat paradoxically, vacant RTP beds drive the non-RTP vacancy down, not up. The calculation removes a static number of beds (495) and a variable number of inmates assigned to the RTP. As the RTP population decreases, so too does the vacancy rate.

Line	Hypothetical scenarios	Many RTP beds occupied	Fewer RTP beds occupied
A	Total capacity	1,000	1,000
B	RTP capacity	100	100
C	Total inmates	900	900
D	RTP Inmates	90	45
E	Total beds (no RTP) [A – B]	900	900
F	Total inmates (no RTP) [C – D]	810	855
G	Vacancies [E – F]	90	45
H	Non-RTP vacancy rate [G / E]	10.0%	5.0%

Male jail backlog begins to increase again in January 2025

The male jail backlog more than doubled in the month of January, from 111 at the end of December to 258 at the end of January. This occurred after the DOC submitted its mid-year budget request (January 9) and before the JBC made decisions about mid-year changes to the prison bed budget (March 4).

The Department states that it began slowing jail intakes at that time, “Due to the anticipated depopulation of beds as part of the supplemental budget process...” It did this to “to open up more beds and to maintain a safe and manageable vacancy rate.” There are two additional factors at play. First, a need to “shuffle around inmates to accommodate closures,” making it

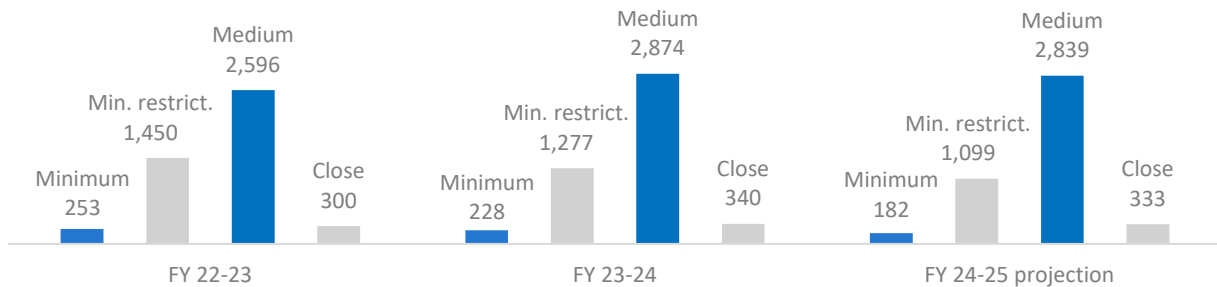
“difficult to maintain the same rate of intake...” Second, “accounting for the need to progress higher custody inmates meeting certain criteria to lower custody classification.”

The available data do not suggest that a large increase in the jail backlog was, or is, a necessary and inevitable byproduct of fewer minimum security prison beds. A desire to avoid the 3.0% vacancy rate threshold provides a more cogent explanation.

1 Very few new intakes from local jails are classified for minimum security prisons.

Initial custody/security levels of male new intakes

About 60.0% of new intakes are classified as medium custody/security. Less than 5.0% are classified as minimum.



Source: DOC. FY 24-25 projection based on reported initial custody classifications through the end of January 2025. JBC staff does not know at this time whether technical parole returns are included in the data.

2 Minimum security beds are hard to fill and turnover is high. Per the DOC and OSPB, minimum custody beds “are some of the hardest beds to keep occupied due to the classification criteria required to qualify for this level.”¹⁵ The Department explained some of the reasons for this in its more recent hearing with the JBC:

“Minimum Custody Offenders are highly sought after for parole and community placements. In addition to being the preferred candidates for parole and community, their sentence lengths are shorter than their counterparts in higher custody levels, these factors combined create a naturally high rate of turnover. The criteria for placement at minimum custody is based on several elements that serve to identify offenders who would not pose a significant security risk.”¹⁶

In staff’s view, a quadrupling of the jail backlog does not follow these facts. If there are high rates of turnover, relatively few existing inmates who qualify for placement due to strict criteria, and few new jail intakes at that level, it is not clear why the Department would have to reduce jail intakes to the extent that it did. It is possible that fewer minimum-security beds have a slight impact on the jail backlog because some new intakes do qualify for minimum-security prison. But not enough to drive a backlog of hundreds.

¹⁵ OSPB comeback, January 25, 2024, page 4.

¹⁶ DOC Hearing with the JBC, December 13, 2024: https://leg.colorado.gov/sites/default/files/fy2025-26_corhrg_0.pdf. Page 10.

- 3 **It is not evident that there are many inmates at higher security levels who must remain there because there are not enough minimum-security beds.** The Department raises the possibility of second or third order effects from funding fewer minimum-security beds. For example, open beds in minimum security prisons may allow the Department to progress inmates down from minimum-restricted prisons, which could allow the Department to progress inmates to minimum-restricted prisons from medium security prisons where the capacity pinch-point is occurring.

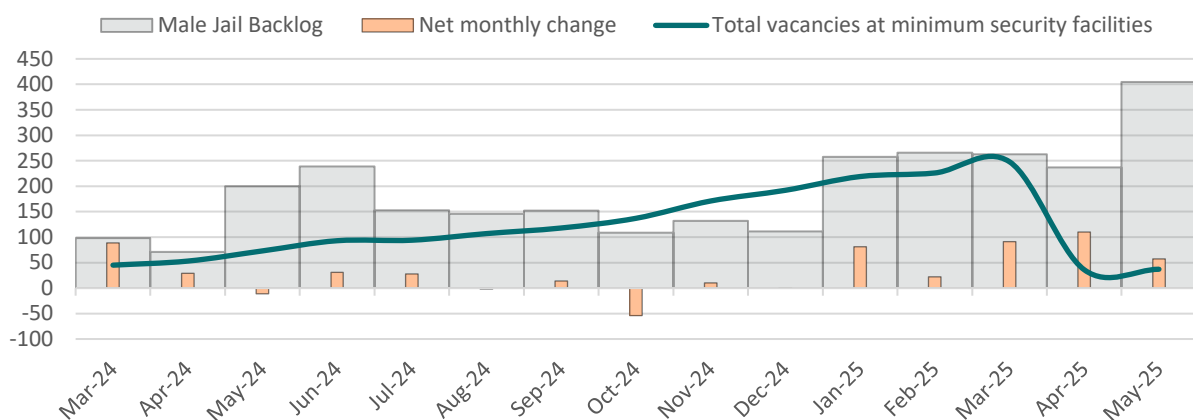
The available data do not suggest that this issue would drive a quadrupling of the jail backlog. In FY 2022-23 and FY 2023-24, minimum-security vacancy rates were regularly in the double digits. The vacancy rate averaged about 11.4%, which is about 76 vacancies. The data show that vacancy rates at minimum-restricted and medium security prisons were much lower, consistently fluctuating between 1-3%.

This appears to confirm the Department's assertion that minimum-security beds are hard to fill. It also suggests that fewer minimum-security beds are not driving a substantial increase in the jail backlog because it limits the Department's ability to move people down from higher security levels. It is possible that small effect exists for a limited number of inmates. But if it were possible to do it at the scale of the current jail backlog, minimum-security vacancies would be lower because Department would be filling them more often to free up space at the higher security levels.

- 4 **The initial increase in minimum-security vacancies in mid-2024 did not lead to a corresponding increase in the jail backlog.** There are two key things to note here. First, the increase in the jail backlog at the end of FY 2023-24 (May and June 2024) did not coincide with a large net increase the male inmate population. In fact, the jail backlog increased markedly in May 2024 even though there was a net decrease in the total inmate population. Second, the jail backlog was relatively low from July through December 2024 even though minimum-security vacancies climbed by 81.9% through the same period (77 vacancies).

Comparing minimum security vacancies to jail backlog, net inmate population change

The graph shows that the male jail backlog remained low as the number of minimum-security vacancies increased.

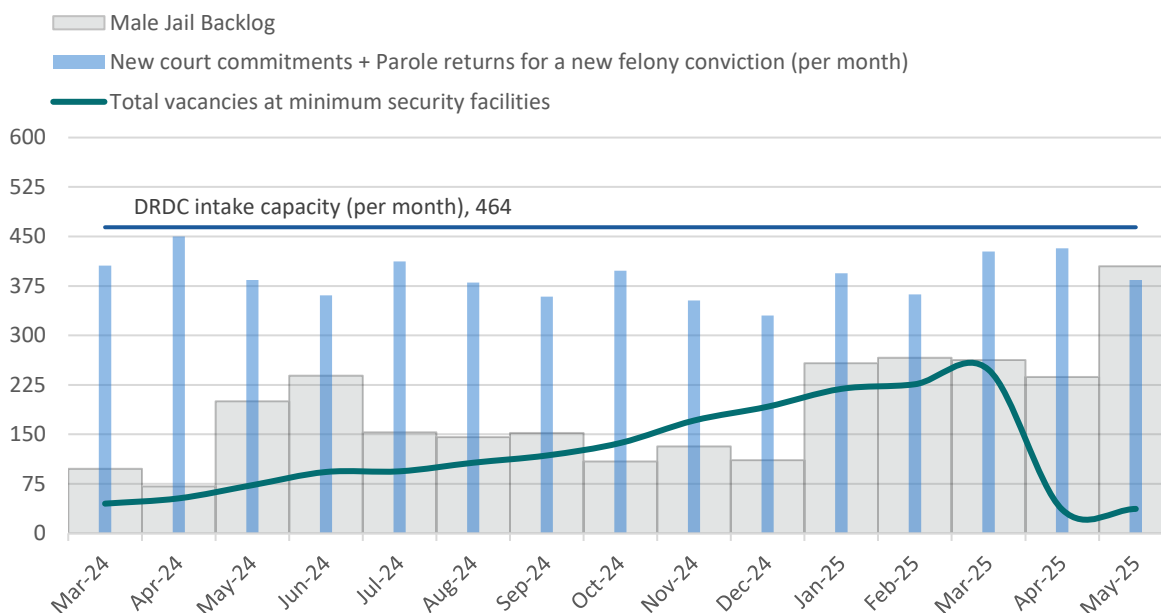


Source: DOC monthly reports.

The vacancy rate is not the only factor that can drive the jail backlog up. Another key factor is processing capacity at the Denver Reception and Diagnostic Center (DRDC). The request states that the DOC has been able to process about 464 new intakes at DRDC every month. It is not clear what types of admissions the DOC included in this figure, but it is JBC staff’s understanding that most inmates in the jail backlog are new court commitments. The following graph suggests that new court commitments plus parole returns for new felony convictions have not exceeded the DRDC’s intake capacity. This suggests that the backlog increased for other reasons.

Comparing minimum security vacancies to jail backlog, felony conviction admissions

The graph shows that the male jail backlog remained low as the number of minimum-security vacancies increased.



Source: DOC monthly reports.

- 5 **It is unlikely that the initial increase in minimum-security vacancies occurred because of anticipated mid-year budget reductions.** The original FY 2024-25 budget, which took effect on July 1, 2024, was based on the DCJ prison population forecast from December 2023. The DCJ’s June 2024 prison population forecast for FY 2024-25 was virtually the same as its previous forecast (-4 inmates). In other words, a new forecast in June 2024 did not suggest that the FY 2024-25 budget should look much different.
- 6 **The DOC’s January 9, 2025 budget request references a 3.0% vacancy rate, though it was not explicitly tied to the statutory threshold.** The request sought the ongoing closure of Skyline Correctional Center’s 126 beds, the ongoing closure of 100 unused/unstaffed beds at Sterling and the temporary 3-month closure of 96 beds at Delta. But it came with caveats and suggested alternative.

The Department asserted that it would need to slow jail intake to accommodate the closure of these 322 beds to “maintain a safe and manageable vacancy rate.” It also referenced a desire to keep the jail backlog low in order to avoid legal action from

counties, such as successful legal action from Denver and Jefferson counties requiring the DOC to intake inmates within 72 hours. So, the Department suggested alternatives.

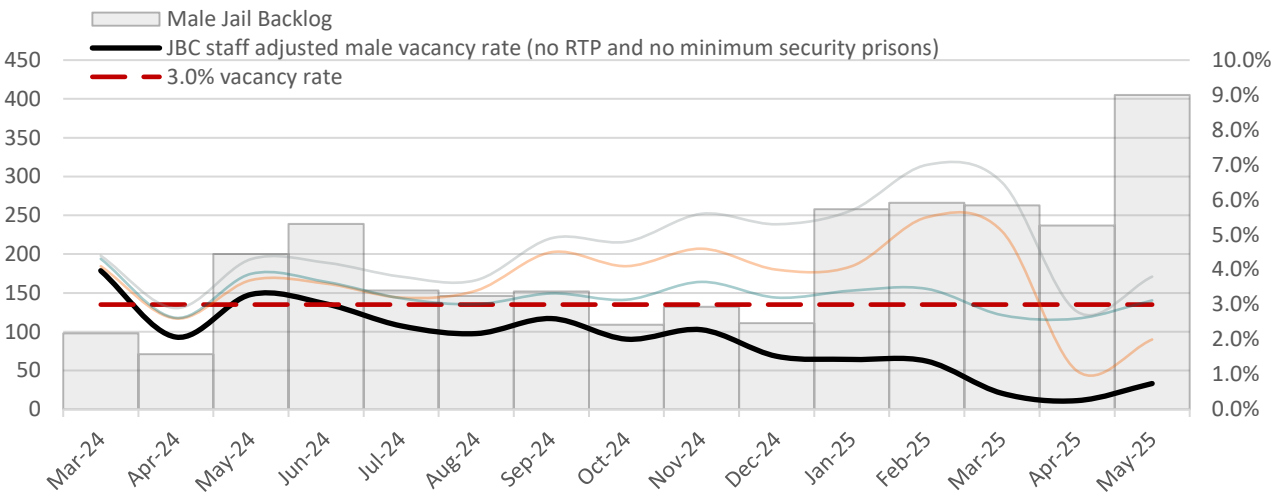
“...the Department suggests that the JBC consider alternatives to the closure of 322 male beds in FY 2024-25. If, for example, the Department were to close only SCC (126 beds), the overall vacancy rate would be slightly above 3% for the last quarter of FY 2024-25. If the Department were to close one living unit at DCC (96 beds), the vacancy rate would be around 3.4% in the last quarter of FY 2024-25.”

The suggested alternatives are interesting because they would do little to ease a capacity crunch at higher security levels, especially when residential treatment program beds are excluded. But they would elevate the vacancy rate on paper.

In the first suggestion, Skyline’s 126-bed Beacon program closes and the Department keeps 100 beds at Sterling and 96 beds at Delta open. But the Sterling beds were empty and poised to remain empty. Per the January 9 budget request, “[Sterling] has had difficulty staffing the unit and so it remains unused.” The Department added those beds to reported capacity figures in September 2024 “to align with funding levels” but did not use them. Retaining them as “capacity” on paper would elevate the vacancy rate but not provide any operational benefit without improved staffing. Staffing at Sterling has been a problem for many years, so use of these beds seems unlikely, especially with the security access controls capital project on the horizon.

In the second suggestion, the JBC only closes 96 beds at Delta for the last three months of the fiscal year. There were about 130 empty beds at Delta at the end of December 2024. Given the run-up in vacancies at Delta in the preceding months, and no closures elsewhere, bringing those beds back online in July 2025 would further burnish the vacancy rate along with 100 empty beds at Sterling.

Graph 5: Male jail backlog and JBC staff's adjusted state prison bed vacancy rate (excludes residential treatment program)



- 7 **The Department did not suggest or request alternatives that would provide them with more of the medium security beds it needs to reduce the jail backlog.** The Department could have suggested reducing underused beds that are less useful for reducing the jail backlog (minimum-security) and adding beds that are more useful (medium security). This is what the JBC approved: A reduction of 192 minimum-security beds and Sterling’s unused 100 beds, offset by an increase of 57 medium security private prison beds. The net reduction was about 90 beds *less* than the DOC’s request.

There are couple of possible reasons that the Department did not take this approach. First, the Department underused the appropriation for medium-security private prisons through the first 3 quarters of the fiscal year, allowing them to increase private prison use at the end of the fiscal year. Second, it does not keep the reported vacancy rate above 3.0%. Private prison beds are not included in the DOC’s monthly reported vacancy rate. Even if they were, vacancy rates tend to be very low.

- 8 **An effort to keep the vacancy rate above 3.0% explains two things with more coherence than anything else that JBC staff has encountered over the past few budget cycles.** First, observed increases in the jail backlog at the end of each of the last three fiscal years, and other times when the vacancy rate approaches 3.0%. Second, efforts to change the way the General Assembly budgets for prison beds. The latter paralleled a policy shift and resultant increase in technical parole returns.

The graphs on the following pages demonstrate the first point. Increases in the jail backlog not appear to correspond with admissions that exceed the DRDC’s intake capacity. Nor do they appear to correspond with net increases in the prison population. They do appear to correspond with declines in the vacancy rate and changes in the budgeting process (e.g. beds coming online or going offline), particularly at the end of the fiscal year.

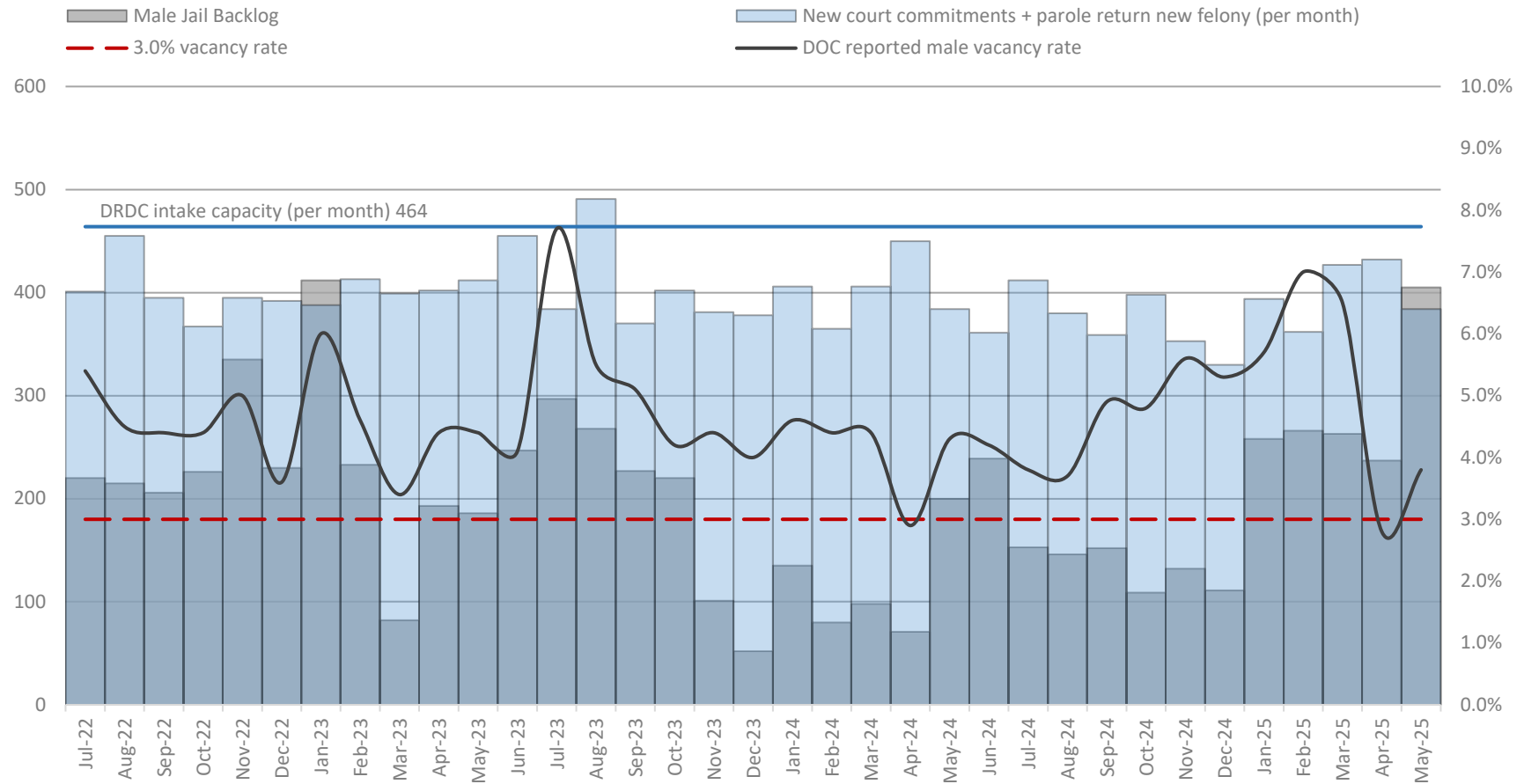
End-of-year increases in the jail backlog occurred in each of the last three fiscal years, even though the JBC’s mid-year budget adjustments supported more beds than the forecast and formula suggested were necessary. The committee also approved lesser reductions than requested by the Department in those instances. These decisions provided the Department with a *de facto* vacancy rate higher than 2.5%. The jail backlog increased at the end of each year anyways.

Comparing JBC action to male prison bed formula and DOC requests			
Supplemental budget	FY 22-23	FY 23-24	FY 24-25
Prison bed budget formula (DCJ forecast, increase/-decrease)	97	-491	-332
Department request for male prison beds (increase/-decrease)	693	-326	-322
JBC action on male prison beds (increase/-decrease)	313	-286	-235
JBC action, beds funded above forecast	216	205	97
% increase jail backlog last 3 months of fiscal year*	102.3%	122.3%	44.9%

* End of June compared to end of previous March. FY 2024-25 compares end of May to the end of the previous February. The jail backlog in FY 2024-25 started to grow in January. When comparing to December 2024, the jail backlog increased by 210.1% through the end of May 2025.

Trends in the male jail backlog: Male state prison bed vacancy rate and new felony conviction admissions

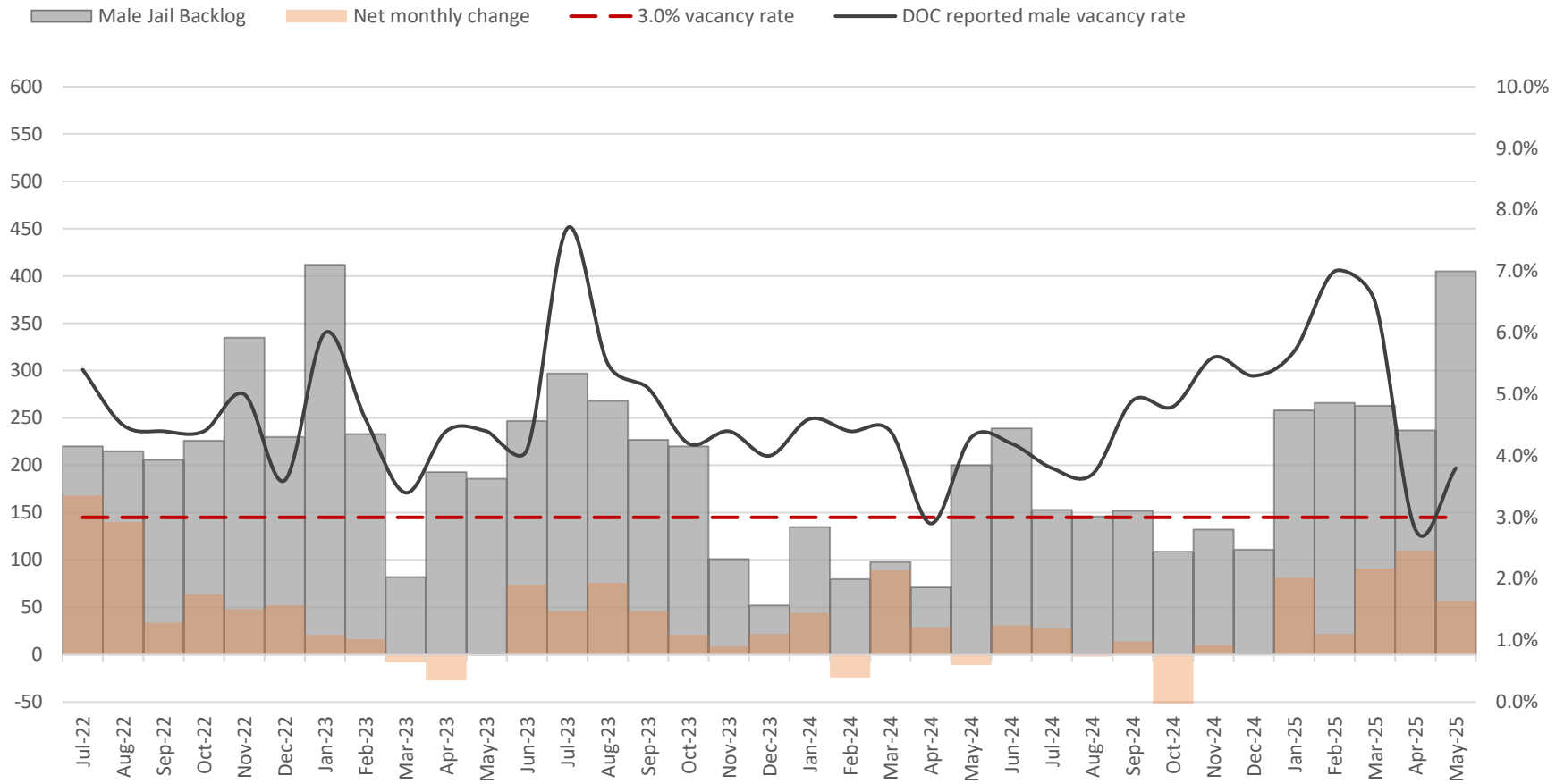
The graph suggests that the jail backlog (shorter shaded grey column) more closely corresponds with a vacancy rate approaching 3.0% than with admissions from local jails (taller blue column) exceeding the Denver Reception and Diagnostic Center's capacity.



Source: DOC monthly reports

Trends in the male jail backlog: Male state prison bed vacancy rate and net monthly change in the inmate population

The graph suggests that the jail backlog more closely corresponds with a vacancy rate approaching 3.0% than with large net increases in the total inmate population.



Source: DOC monthly reports

Changes to prison bed budgeting

The Department responded to apparent concerns with the prison bed formula and the 3.0% vacancy rate by changing the formula in a way that provided the Department with more beds and money.

Other documents explain these changes in greater detail.¹⁷ In short, during the 2023 legislative session, the DOC excluded 495 RTP beds from the prison budget calculation without warning or explanation and asked the General Assembly to backfill those beds. The change allowed the DOC to request funding to bring all state prison beds online—1,453 additional beds for about \$18.9 million General Fund. But none of these were medium security beds. About 1,000 were minimum or minimum-restricted.¹⁸ During the 2024 legislative session, the DOC sought a *de facto* 3.8% vacancy rate of by classifying some beds as a “buffer” separate from the vacancy rate. The distinction was not real; it was a *de facto* vacancy rate of 3.8%.

It is not apparent that the Department’s ability to keep the overall vacancy rate above 3.0% is a safety issue. The Department has not demonstrated that a 2.5% vacancy rate is less safe than a 3.0% vacancy rate, or that a 2.8% vacancy rate is less safe, and so on. The Department budgeted to a 2.0% vacancy rate prior to the pandemic and some of its own prison utilization studies have shown that a vacancy rate of 2.0% is manageable, even if it is less than ideal and on the low end of what is consider normal. That said, staff agrees that using an overall vacancy rate is problematic when beds are scarce at some security levels but abundant in others. But previous attempts to change the formula did not fully grapple with that issue and at times have been at odds with it. There may be a better way if one is able to separate operational needs from subjective policy preferences.

As JBC staff wrote last year, staff cannot say whether it is right or wrong for the Executive Branch to act within its statutory authority to avoid triggering statutory prison population management measures. If the Executive Branch’s policy preference is to stay above a 3.0% bed vacancy rate, one can see why the Executive would view budgeting to a 2.5% bed vacancy rate as problematic. However, mixing these kinds of subjective policy preferences with more objective operational needs makes it difficult to take claims about operational needs at face value. Consequently, JBC staff is reluctant to recommend that the JBC adopt budgeting practices that may conform more to the Executive Branch’s policy preferences than the General Assembly’s.

¹⁷JBC staff mid-year presentation. CY 2022-23 Jan. 24, 2023: leg.colorado.gov/sites/default/files/cy23_corsup.pdf
JBC staff figure setting. FY 2023-24. Feb. 21, 2023: leg.colorado.gov/sites/default/files/fy2023-24_corig.pdf
JBC staff comeback. CY 2023-24, Jan. 30, 2024: leg.colorado.gov/sites/default/files/cb3-01-30-24.pdf
JBC staff figure setting FY 2024-25, Mar. 8, 2024: leg.colorado.gov/sites/default/files/fy2024-25_corig.pdf
JBC staff mid-year presentation. CY 2024-25, Jan. 23, 2025: leg.colorado.gov/sites/default/files/cy25_corsup.pdf
JBC staff figure setting. FY 2025-26. Mar. 5, 2025. leg.colorado.gov/sites/default/files/fy2025-26_corig_0.pdf

Factors driving the female jail backlog

Total female inmate population

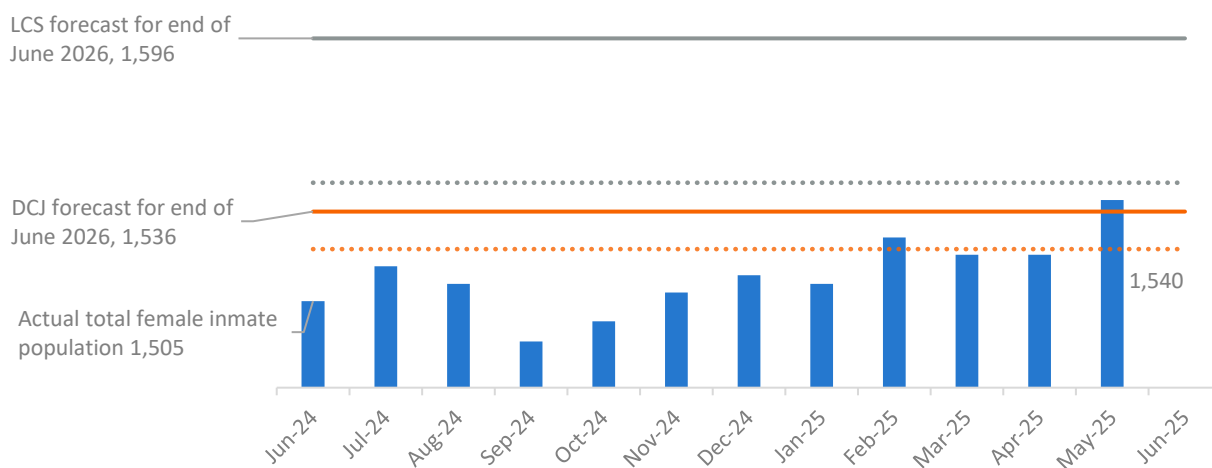
Summary: There has not been an unexpectedly large increase in the total female inmate population. The May 2025 population was fairly close to both prison population forecasts. Admissions have been exceeding releases, leading to a slow upwards increase in the inmate population. But the gap between the two has narrowed considerably. Staff's analysis finds that returns to prison for technical parole violations are outpacing slight declines in new court commitments and other forms of admissions. Releases are up but not enough to catch up with admissions boosted by technical parole returns.

The total female inmate population increased slightly in the second half of FY 2024-25

The FY 2025-26 budget is based on the Legislative Council Staff (LCS) forecast. The total female inmate population is approaching LCS' forecast for the end of June 2025 but remains well below its forecast for FY 2025-26.

Modest increase in the total female inmate population

The total female inmate population has exceeded the DCJ forecast but remains below the LCS forecast. *Dotted lines show FY 2024-25 projections.*



Source: DOC Monthly Prison Population and Capacity reports. The FY 2025-26 budget is based on the LCS forecast.

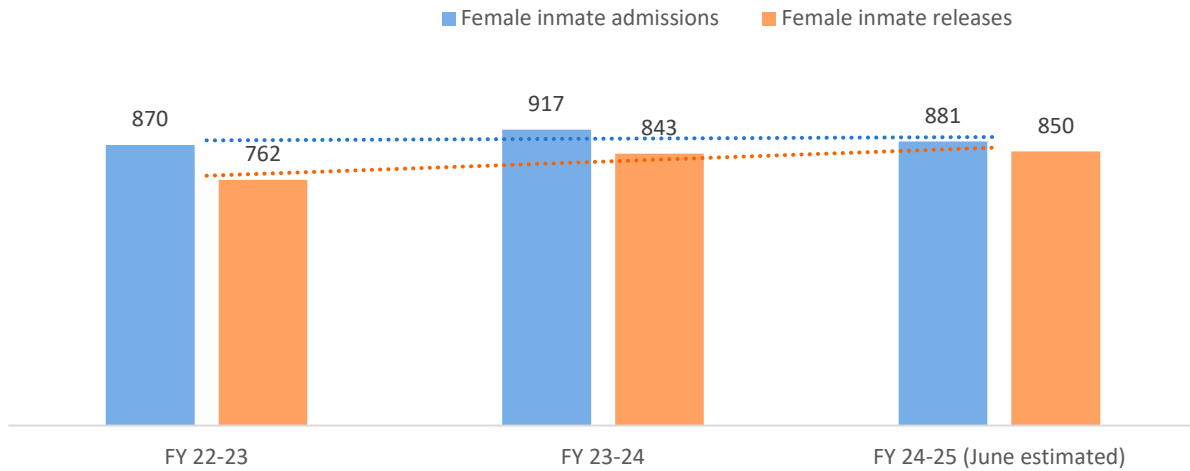
Total admissions to the DOC are outpacing releases

The data show that total admissions have increased slightly since FY 2022-23. Total releases have increased more substantially but not enough to outpace admissions. However, the gap between the two is narrower than for the male inmate population.

Admissions vs. releases

Admissions have outpaced releases over the last three fiscal years.

Dotted lines are linear trendlines

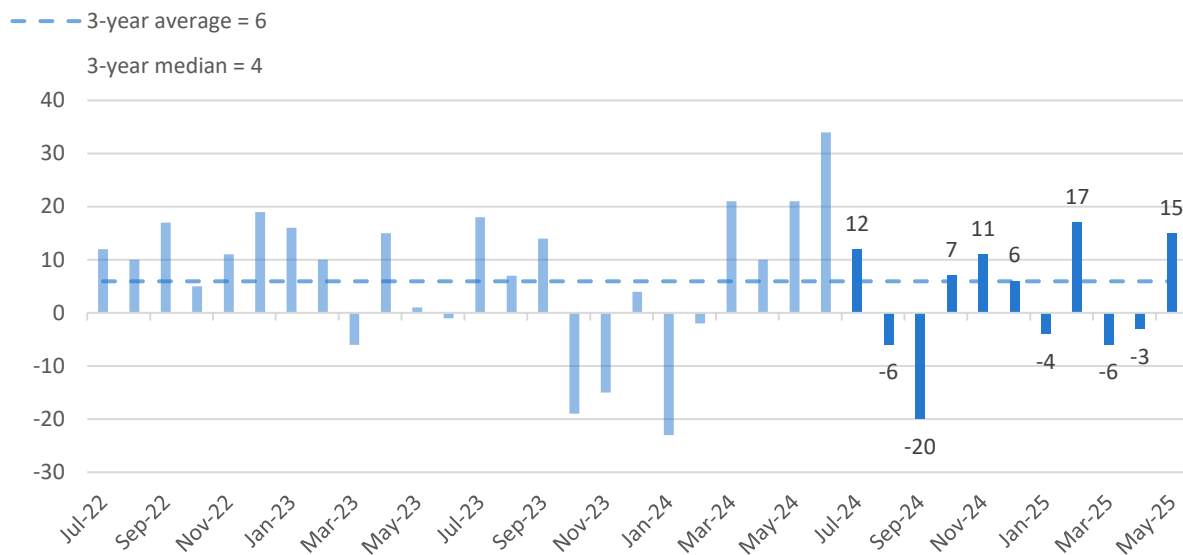


Source: DOC monthly reports. The estimate for June 2025 represents the average over the previous three months.

The monthly net change in the female inmate population has been more mixed than on the male side. Whereas the male side saw consistent increases in the second half of the current fiscal year, the female population saw three monthly decreases. However, the net change in the second half of FY 2024-25 has been an increase of 19.

Net monthly change in the total female inmate population

The monthly net increase from January through May 2025 was well over the 3-year average and median.



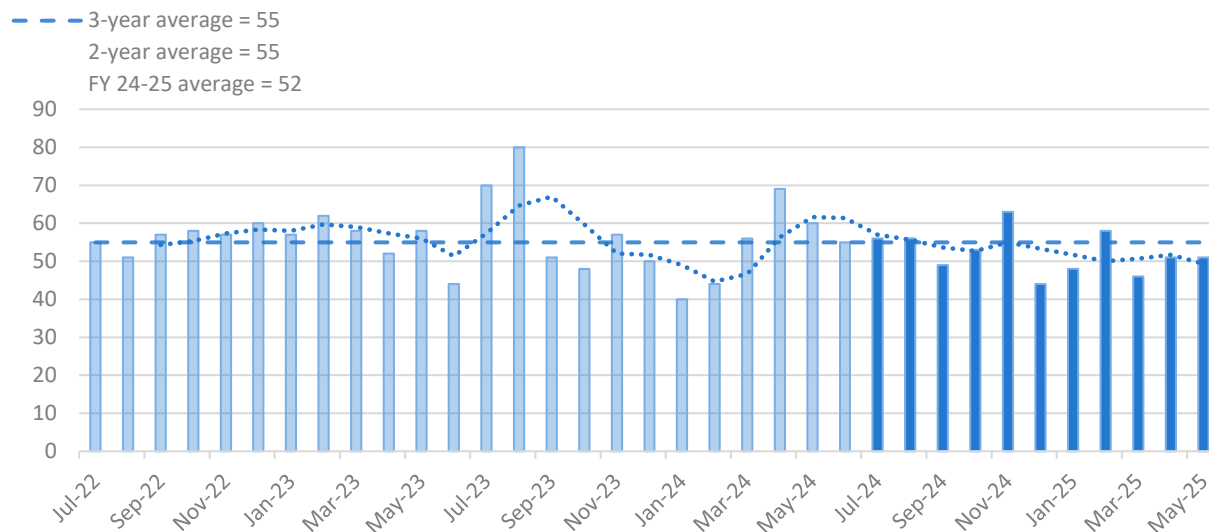
Source: DOC monthly reports.

Increases in technical parole returns outpace declines in new court commitments

New court commitments have decreased over past two fiscal years. This admission type accounts for over 90.0% of inmates in the jail backlog. There was not an unusual spike in new court commitments over the last few months of FY 2024-25. Rather, they declined slightly.

Female new court commitments (monthly)

There has been a slight decline in the monthly number of new court commitments over the last three fiscal years. *Dotted line shows 3-month moving average. Dashed line shows 3-year average.*

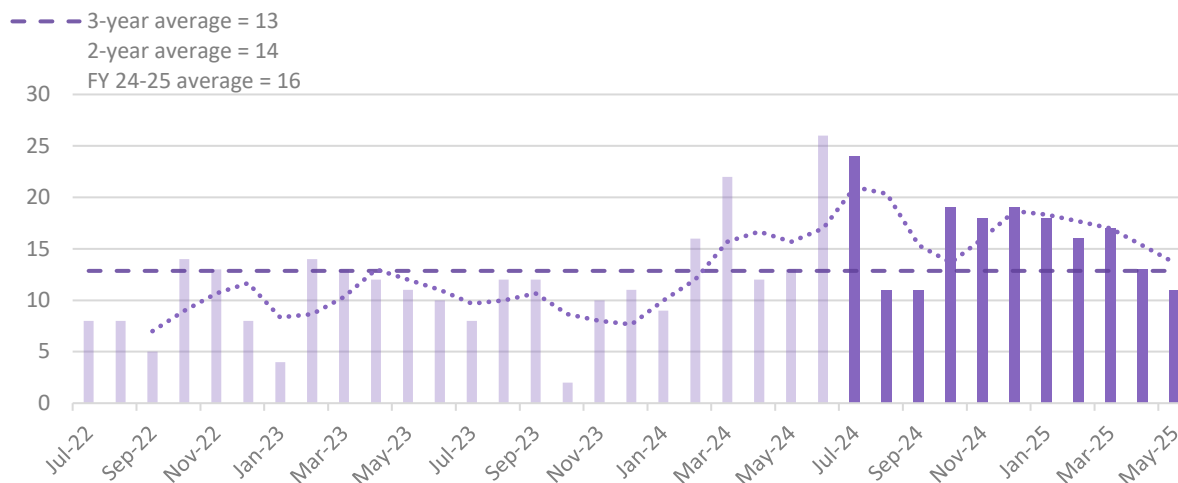


Source: DOC monthly reports

An increase in technical parole returns is offsetting the slight decline in new court commitments. These returns are staying in prison longer than they did before the coronavirus pandemic.

Female technical parole returns (monthly)

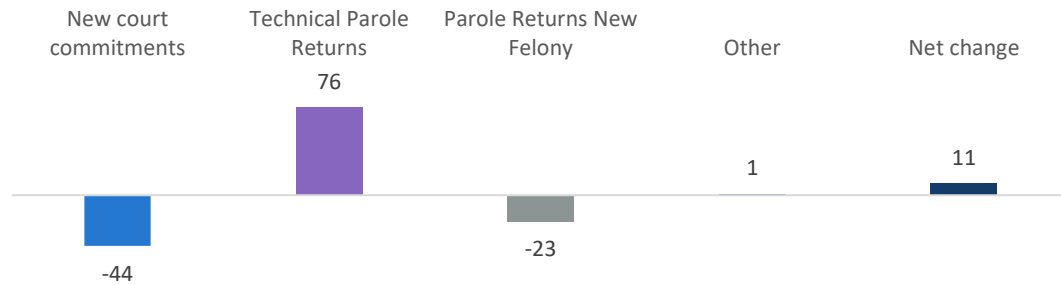
The number of technical parole returns in FY 24-25 is projected to exceed FY 2022-23 by 76 and FY 2023-24 by 41. *Dotted line shows 3-month moving average. Dashed line shows 3-year average.*



In sum, an increase in technical parole returns over the past two fiscal years offset declines in other admission types. The result is a net increase in admissions and therefore an increase in the total inmate population.

Total FY 2024-25 female admissions to DOC compared to total FY 2022-23 admissions, by type

The growth in technical parole returns outpaced decreases in other admission types, leading to an estimated net increase of 11 admissions.



Source: DOC monthly reports. FY 24-25 admissions represent actual figures through the end of May 2025. The month of June 2025 represents the average of the prior three months.

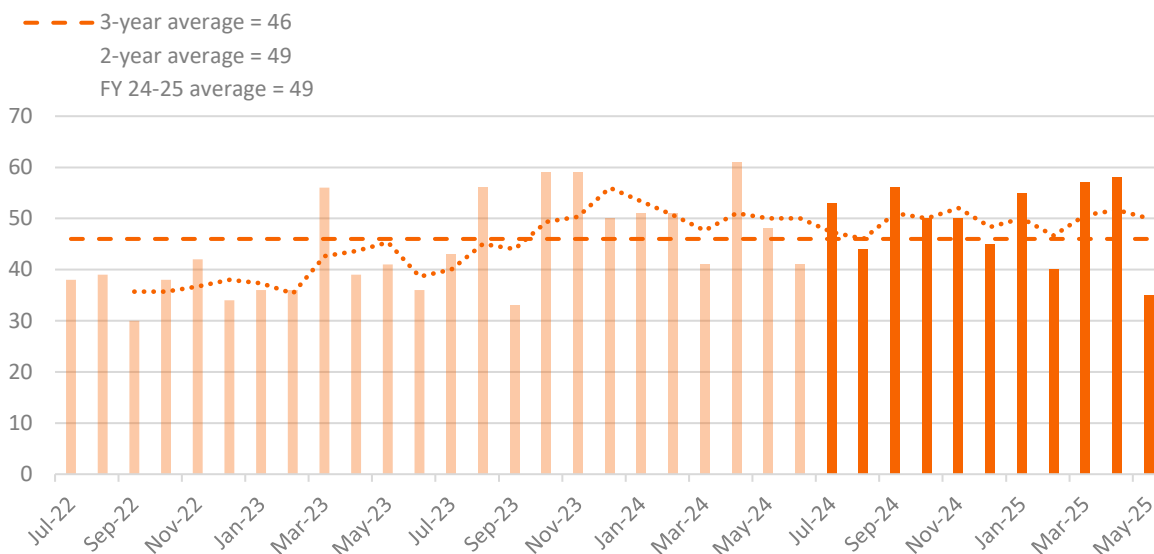
Discretionary paroles are driving the overall increase in releases from prison

A discretionary parole when an inmate is released into the community before their mandatory parole date. Discretionary parole depends on: (1) the parole eligibility date, which depends on the sentence and the offense, and (2) approval by the Parole Board, which evaluates and makes decisions on parole applications.

Female discretionary parole releases (monthly)

Female discretionary paroles have leveled off over the past two fiscal years.

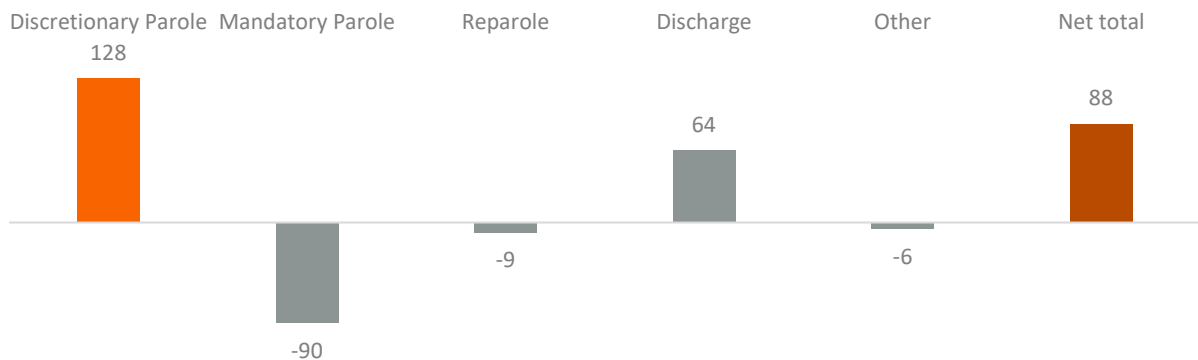
Dotted line shows 3-month moving average. Dashed line shows 3-year average.



In sum, total releases from prison have increased over the last two fiscal years. However, total releases have not caught up to total admissions to prison. The difference produces a net increase in the total female inmate population.

Total FY 2024-25 female releases from DOC compared to total FY 2022-23 releases, by type

Growth in discretionary parole releases outpaced declines in mandatory paroles.



Source: DOC monthly reports. FY 2024-25 releases represent actual figures through the end of May 2025. The month of June 2025 represents the average of the prior three months.

Prison population management

The mid-year budget adjustment took 50 beds offline at the La Vista Correctional Facility. These beds will come back online in July and are separate from a different adjustment to remove duplicated funding for 80 beds.¹⁹ Staff finds that this temporary reduction contributed to the female jail backlog but is not solely responsible for it. Other factors include the increase in technical parole returns, the depopulation of the 48-bed female Residential Treatment Program (RTP), and the creation of the 48-bed Transgender Integration Unit (TIU) pursuant to a consent decree at the beginning of the current fiscal year.

The monthly report from May 2025 shows that there were 98 vacant beds at the Denver Women's Correctional Facility and La Vista. On the surface, that is a vacancy rate of 8.1%. However, over 70 of those vacancies were RTP and TIU beds. That leaves a little over 20 vacant beds elsewhere, or about a 2.0% vacancy rate.

It is likely that the Department would be able to make a dent in the female jail backlog if the 50 beds at La Vista were still online, in part because they are the more flexible medium security beds. The data show that most female new intakes are classified as medium or minimum-restricted custody. Staff notes that few options remain after that. The only currently-closed living unit that could be opened after that is a large 216-bed minimum-restricted unit at the Denver Women's facility.

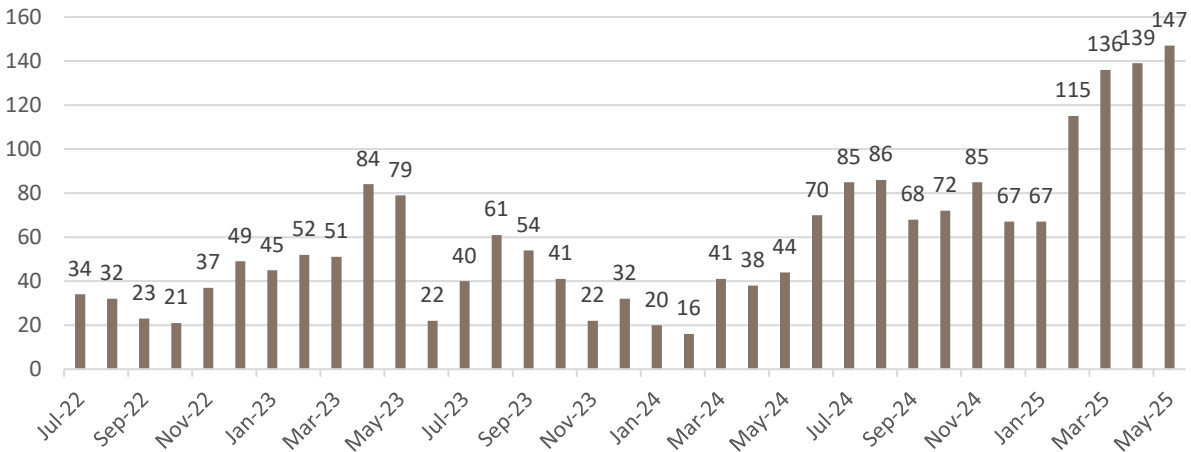
¹⁹ For additional details, see JBC staff supplemental budget analysis, January 23, 2025. Pages 22-28.

https://leg.colorado.gov/sites/default/files/cy25_corsup.pdf

The temporary closure of the 50-bed La Vista unit is not the only factor complicating capacity issues in female prisons. The estimated average female jail backlog in FY 2022-23 and FY 2023-24 was 42. At the start of the current fiscal year (July 2024), the female backlog back jumped to 85 and averaged 77 through the end of December 2024. This occurred even though the Department brought 50 newly-funded beds online at La Vista and maximized that facility's capacity by the end of October 2024.

Female jail backlog

The FY 2024-25 average backlog is about twice as high as the average backlog in FY 2022-23 and FY 2023-24.



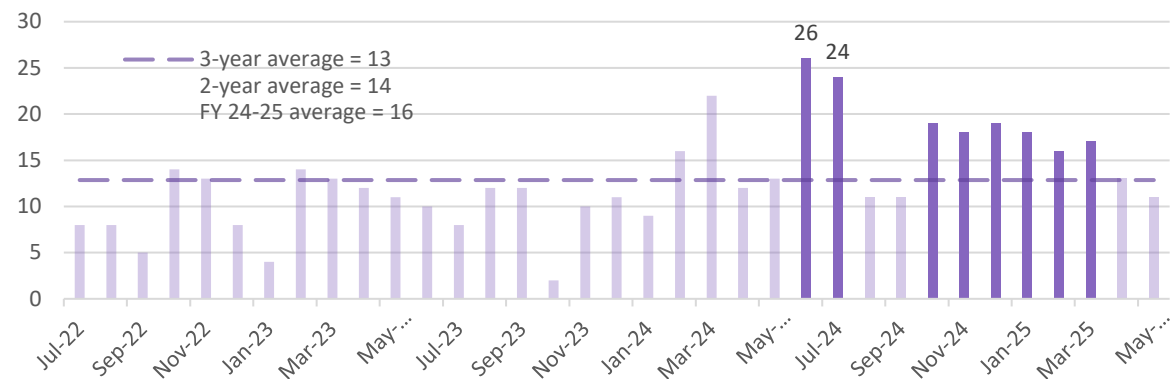
Source: DOC monthly reports.

The increased backlog earlier in the year it may be attributed to the creation of the TIU at the Denver Women's facility. The Department moved 50 inmates from the Denver Women's facility to La Vista's 50 newly-opened beds to accommodate the TIU. Consequently, the increase in funded capacity could not be dedicated to the jail backlog, at least not exclusively.

At about the same time, the number of technical parole returns increased. The largest numbers of returns in the past three years occurred in June and July 2024. Returns were elevated through the remainder of the fiscal year.

Female technical parole violations

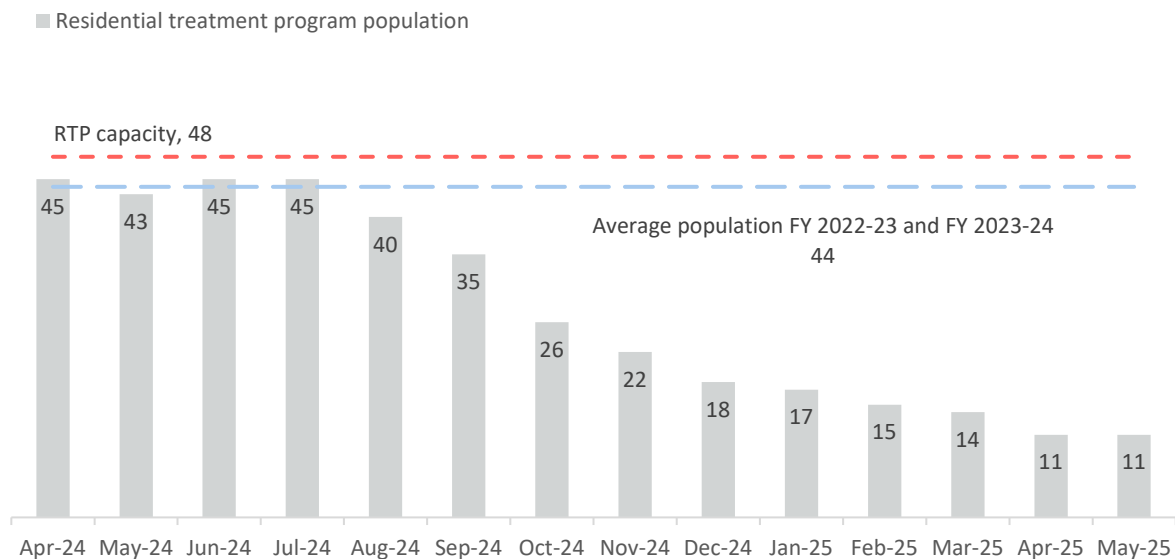
Monthly returns to prison for technical parole violations increased in FY 2024-25



A decline in the RTP population also began to fall at the beginning of the current fiscal year. JBC staff does not yet know why or what impact it has had on bed availability elsewhere. It is possible that inmates who would have historically been assigned to that program are occupying a bed elsewhere, limiting space for new jail intakes.

Female residential treatment program

The female RTP population fell to about 25% of capacity in FY 2024-25.



Source: DOC monthly reports.