

**Department of Public Safety**  
**Division of Criminal Justice**  
**FY 2026-27 Joint Budget**  
**Committee Hearing**

Wednesday, January 7, 2026

1:30-3:00 PM

**1:30 – 1:35**      **Introductions and Opening Comments**

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Presenter: Stan Hilkey, Executive Director

**1:35 – 2:30**      **Community corrections, risk, and sentencing**

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Main Presenters:

- Stan Hilkey, Executive Director
- Chris Lobanov-Rostovsky, Deputy Director, Division of Criminal Justice

Supporting Presenters:

- Katie Ruske, Manager, Office of Community Corrections

Topics:

- Community corrections: Page 1, Questions 1-7 in the packet, Slide 5
- Risk assessments: Page 8, Questions 8-10 in the packet, Slide 5
- Sentencing and crime rates: Page 11, Questions 11-12 in the packet, Slide 5

**2:30 – 3:00**      **Crime victims services funding**

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Main Presenters:

- Stan Hilkey, Executive Director
- Chris Lobanov-Rostovsky, Deputy Director, Division of Criminal Justice

Topics:

- Update on guns and ammunition excise tax (Proposition KK) revenue: Page 14, Question 13 in the packet, Slide 5

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**Community corrections, risk, and sentencing**

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**Community corrections**

1. *[Rep. Mabrey]* Please provide data that show the following: Who is in community corrections (e.g. most serious original crime)? And what are the re-offense rates, both in terms of case filings and new felony reconvictions?

**Response:** *The tables below demonstrate the breakdown of the most serious crime class and crime category for clients who were placed in community corrections in fiscal year 2025.*

*Table 1: FY 2024-25 Intakes Most Serious Crime Class*

<i>Crime Class</i>	<i>Percent of Total FY25 Intakes</i>
<i>DF1</i>	<i>0.47%</i>
<i>DF2</i>	<i>2.68%</i>
<i>DF3</i>	<i>3.58%</i>
<i>DF4</i>	<i>2.26%</i>
<i>F</i>	<i>1.47%</i>
<i>F1</i>	<i>0.33%</i>
<i>F2</i>	<i>1.88%</i>
<i>F3</i>	<i>9.35%</i>

<i>F4</i>	<i>35.78%</i>
<i>F5</i>	<i>31.59%</i>
<i>F6</i>	<i>10.63%</i>

*Table 2: FY 2024-25 Intakes Most Serious Crime Category*

<i>Crime Category</i>	<i>Percent of Total FY25 Intakes</i>
<i>Arson</i>	<i>0.77%</i>
<i>Assault/Menacing</i>	<i>19.13%</i>
<i>Burglary/Criminal Trespass</i>	<i>12.48%</i>
<i>Child Abuse/Delinquency minor</i>	<i>1.04%</i>
<i>Controlled Substance</i>	<i>12.96%</i>
<i>Criminal Mischief</i>	<i>1.00%</i>
<i>Driving/HTO/DUR/Eluding</i>	<i>9.67%</i>
<i>Escape</i>	<i>0.32%</i>
<i>Forgery/Forged Instrument</i>	<i>1.90%</i>
<i>Fraud/False Info to Pawnbroker</i>	<i>0.30%</i>
<i>Habitual Criminal</i>	<i>0.60%</i>
<i>Homicide-</i>	<i>1.72%</i>
<i>Identity Theft/Criminal Impersonation</i>	<i>4.41%</i>
<i>Intimidation</i>	<i>1.55%</i>
<i>Kidnapping</i>	<i>0.60%</i>
<i>Misdemeanor offense</i>	<i>0.02%</i>
<i>Motor Vehicle</i>	<i>12.55%</i>
<i>Organized Crime</i>	<i>0.30%</i>
<i>Other</i>	<i>4.29%</i>

<i>Robbery</i>	3.69%
<i>Sex Assault</i>	3.41%
<i>Theft</i>	4.94%
<i>Weapons</i>	2.34%
<i>Grand Total</i>	100.00%

*With regard to re-offense rates, the Office of Research and Statistics completed an analysis of the rate of new misdemeanor or felony court filings and convictions within two years of successful community corrections program completion. Within a two-year period 33% of clients with successful terminations were charged with a new misdemeanor or felony and 27% were convicted.. The Office of Community Corrections examines new convictions based on program intake. Accordingly, for clients who entered community corrections in FY 2021-22, the rate of new felony conviction within two years of intake was 18.89%. Another way to look at this is to evaluate the frequency at which clients are terminated from community corrections based on committing a new crime. In FY 2024-25, the new crime rate for residential clients was 1.05%.*

**Table 3. Recidivism: Community corrections terminations FY 2014-FY 2019**

<b><i>Recidivism Definition</i></b>	<b><i>One Year</i></b>	<b><i>Two Years</i></b>	<b><i>Three Years</i></b>
<b><i>Misdemeanor or Felony Conviction</i></b>	<b>17%</b>	<b>27%</b>	<b>34%</b>
<b><i>Misdemeanor or Felony Filing</i></b>	<b>21%</b>	<b>33%</b>	<b>40%</b>

*Source: Division of Criminal Justice, Office of Community Corrections and State Judicial ICON data.*

2. *[Rep. Taggart] Why are transition referrals denied at much higher rates than diversion referrals?*

***Response:*** *Community corrections referrals are not managed through a single database limiting the ability for the collection and analysis of both the referrals themselves and the decisions made about those referrals. Currently, data is not collected on the denial reasons for diversion referrals and the Division can only*

*provide anecdotal information on the differences between transition and diversion acceptance rates. One reason often expressed by our partners is that ultimately the court is the final decision maker in the sentence of an individual to community corrections and the faith board members have in our judicial system and their authority to make sentencing decisions. Since a direct sentence to community corrections also requires the decision making of the court, there is a shared responsibility in both the placement and outcome. Community corrections boards feel solely responsible for decisions related to transition referrals and impacts of those decisions on their local community's safety. Individuals awaiting sentencing are often housed in the local jail, many of which are experiencing their own issues with capacity, and this pressure may further increase the likelihood for community corrections boards to accept diversion referrals.*

*Denial reasons for the DOC Transition referrals reside in the DOC's data system and can only be accessed by OCC upon request from DOC. The reasons available are primarily derived from research-informed indicators of risk to recidivate and most require a text box to be completed for more detailed feedback or the selection from multiple choice items. There is also an 'Other' option, which also has a required text box. Boards and providers may select up to five (5) denial reasons per referral. The top three (3) denial reasons for boards for FY25 were: Other, Current Offense, and Severity of Crime. The top three (3) denial reasons selected by providers for FY25 were: Disciplinary History, Other, and Pattern of Prior Community Supervision Failures. For this date range, there were approximately 10,035 denial reasons entered for approximately 4,350 referrals. 'Other' continues to be a top reason for denial, and while there is not a way to distinctly sort or categorize the rationale due to its being an open text box, the highest occurring notes include: client's level of risk, their SDM tool recommending deny, clients needing additional treatment and/or programming in DOC prior to release, DOC Case Manager not recommending community corrections placement at this time, not enough time served, and the client not taking accountability/responsibility for their offense.*

*CDPS Request for Information #4 explored the cost and feasibility of a centralized referral system. A centralized database for referrals would allow the OCC to have access to more data for analysis to try to better answer questions such as the one posed here. Without better information and data the OCC can only speculate as to the reasons transition referrals are denied at higher rates to diversion referrals.*

3. *[Sen. Amabile]* In the proposal regarding mandatory acceptance, would it only apply to the primary referral district? Or would it also apply to secondary or tertiary locations?

*Response: There are many policy and practice level details that would need to be determined if the requirement for mandatory acceptance was pursued and passed through legislation. The Division would want to collaborate with the Department of Corrections and key community partners to ensure viable and meaningful policies and procedures are put into place. Without doing more research and analysis, the Division initially would recommend that mandatory acceptance apply to the primary referral; however, it is possible that this policy decision may lead to growing waitlists in jurisdictions where programs are already full. In addition to determining the application of mandatory acceptance in regards to if the referral is a primary, secondary, or tertiary, some other areas that will need examination and careful decision-making include:*

- *Non-violent offenses that are applicable to the Victim Rights Act*
- *How mandatory acceptance will apply to community corrections programs and allowance for a specific program to be able to reject a referral due to the inability to meet the specific medical, treatment, or other needs of an individual*
- *Specific barriers for referrals for individuals convicted of a sex offense that may currently exist*

4. *[Rep. Sirota]* Do we know the transition referral rejection rate for those convicted of violent crimes? Relatedly, would moving up the referral timeline for this population actually free up prison beds?

*Response: This type of information for the DOC Transition referrals reside in the DOC's data system and can only be accessed by OCC upon request from DOC. For FY25, of all individuals referred to non-specialized residential placement, 44% were denied, while 50% of individuals with a violent offense resulted in a community corrections placement denial. In addition it should be noted that in the data set, there were 82 individuals identified as having non-violent Victim Rights Act cases. This is important to note as while these individuals have non-violent offenses, their referrals and movements must comply with the Victim Rights Act. The data utilized for this analysis as noted was supplied by DOC. There are many ways in which data can be collected and analysed making it difficult to compare numbers across different data sets. The data collected by the*

*OCC on referral acceptance and denial counts unique referrals and not unique individuals and therefore denial rates reported by the OCC will differ from those derived from the DOC data set looking at individual clients.*

*It is not possible to know with any certainty that moving up a referral timeline would translate to a need for fewer prison beds. The hypothesis is that moving up referral timeframes will increase the number of individuals who become eligible for transition to ISP-I upon successful completion of community corrections. The desired outcome would be increased ISP-I and community corrections populations that would lead to a decrease in need for prison capacity. As noted in the Request for Information completed with the DOC, moving up the referral timeline for this population would have increased the number of eligible referrals by 244 for the time period reviewed.*

5. *[Sen. Amabile] Do we have any sense of the risk profile of the individuals who are accepted into community corrections? If we do not have that information currently, is there any way to get it?*

***Response:*** *Without a centralized database for community corrections referrals, the Office of Community Corrections does not have access to data related to the CARAS risk level of clients accepted into community corrections. Instead, the Level of Supervision Inventory (LSI) is the risk assessment conducted by community corrections programs to assess the risk and needs of clients once placed and utilized to design effective individualized interventions. For clients placed in community corrections in FY2025, the LSI risk level breakdown can be seen in Table 4 below.*

*Table 4: FY2025 Community Corrections Intake LSI Risk Level Breakdown*

<i>LSI Risk Level</i>	<i>Percent of FY2025 Intakes</i>
<i>Low</i>	<i>6.84%</i>
<i>Medium</i>	<i>35.42%</i>
<i>High</i>	<i>36.42%</i>
<i>Very High</i>	<i>21.32%</i>

6. *[Rep. Brown]* Please summarize the Department's understanding of the zoning issues that present challenges to expanding or adding community corrections capacity? What is the current state of play? How difficult would it be for the State to play a role in expanding capacity?

*Response: The Department is not equipped to be able to speak to the local zoning rules across the state as they vary for individual communities. Generally in speaking with our partners in local communities, we have been informed of the challenges of trying to zone new buildings for the use of community corrections programs and have witnessed the extensive efforts that have been put into place to preserve buildings currently zoned for the continued utilization for community corrections. While zoning definitely represents a challenge to expanding or adding capacity, it has been done and many communities have demonstrated their support in these efforts. In the last several years, a brand new program was opened in Prowers county, and both Boulder and Larimer counties have added brand new buildings. Recently at least one community that does not currently have a community corrections program has expressed interest in exploring opening a program for their jurisdiction. This issue highlights the value of the local-state partnership in the community corrections systems. States without this partnership often must locate similar facilities near state prisons and not within the communities the individuals they house will be paroling to and residing in. This means that individuals are not able to establish sustainable services, employment, and support to help enable their success in the community. The inability to locate facilities within local communities would fundamentally change the programming community corrections are currently able to provide. While it is difficult for the state to impact local level zoning issues, the state can continue to be a valuable partner. The state can aid in providing education and information to the local community on the benefits of community corrections. Zoning is just one potential barrier to the expansion of community corrections and the state could explore if there are ways to help reduce and or alleviate other barriers, such as capital construction costs.*

7. *[Rep. Taggart]* Are there any positive incentives, financial or otherwise, that the State could implement to encourage more community corrections placements and capacity?

*Response: The Office of Community Corrections has previously explored through focus groups the incentivizing of board administrative dollars in relationship to acceptance rates. At that time, community corrections board members were not motivated by this type of incentive since the funds are utilized for the county's obligations to the contract and oversight of community corrections. Board and*

screening committee members see their duty to be to their community members and public safety and believe their referral decisions are directly tied to this duty. At the time, the idea was strictly tied to acceptance rates and it could be valuable to explore if there are other structures for incentives that would garner more support from the community corrections boards members. The OCC did find the idea of instituting an increased per diem rate for increased capacity to be an interesting concept, and this idea would need to be explored in terms of how to apply a related incentive to board administrative dollars. Finding ways of incentivizing community corrections boards to promote increased utilization of community corrections would require statutory change. Currently, 17-27-108(4), C.R.S. dictates that boards may receive up to 5% of their total allocation for board administration and while boards are not currently funded at 5%, any change in funding structure would likely require a change to the statute.

### **Risk assessments**

8. *[Rep. Mabrey]* How is a re-offense defined in the Colorado Actuarial Risk Assessment Scale (CARAS)? And do we have any data on the severity of the offense? For example, does re-offending include everything from jaywalking to murder? Please provide those data if they are available?

**Response:** *“The ‘risk of reoffense’ (i.e. recidivism) for CARAS Version 7 is defined as a felony filing or a technical violation of parole within two years of release from the CO Department of Corrections (DOC).”*

*Therefore, for the purposes of “CARAS recidivism,” the offense “severity” is defined as a felony filing within two years of release from DOC. Additionally, “recidivism” is also defined as a technical violation while on parole within two years of release from DOC.*

**Table 5. CARAS Sample: 2-year recidivism type**

	<b>Count</b>	<b>Percent</b>
<b>None</b>	<b>10680</b>	<b>37%</b>
<b>TV</b>	<b>12146</b>	<b>42%</b>
<b>New Felony</b>	<b>5975</b>	<b>21%</b>

*Source: Data provided by Colorado Department of Corrections and Colorado State Judicial System ICON database with analysis by the Colorado Division of Criminal Justice.*

**Table 6. CARAS Sample: Felony Recidivism Class**

	<b>Count</b>	<b>Percent</b>
<b>DF1</b>	<b>135</b>	<b>2%</b>
<b>DF2</b>	<b>157</b>	<b>3%</b>
<b>DF3</b>	<b>188</b>	<b>3%</b>
<b>DF4</b>	<b>803</b>	<b>13%</b>
<b>F</b>	<b>32</b>	<b>1%</b>
<b>F1</b>	<b>33</b>	<b>1%</b>
<b>F2</b>	<b>106</b>	<b>2%</b>
<b>F3</b>	<b>1419</b>	<b>24%</b>
<b>F4</b>	<b>1234</b>	<b>21%</b>
<b>F5</b>	<b>909</b>	<b>15%</b>
<b>F6</b>	<b>959</b>	<b>16%</b>
<b>Total</b>	<b>5975</b>	<b>100%</b>

Source: Data provided by Colorado Department of Corrections and Colorado State Judicial System ICON database with analysis by the Colorado Division of Criminal Justice.

**Table 7. CARAS Sample: Recidivism by Crime Type**

<b>Crime Type</b>	<b>Count</b>	<b>Percent</b>
<b>Violent</b>	<b>906</b>	<b>15%</b>
<b>Sex</b>	<b>98</b>	<b>2%</b>
<b>Property</b>	<b>1511</b>	<b>25%</b>
<b>Custody</b>	<b>946</b>	<b>16%</b>
<b>Drug</b>	<b>1583</b>	<b>26%</b>

<b>Other</b>	<b>931</b>	<b>16%</b>
<b>Total</b>	<b>5975</b>	<b>100%</b>

Source: Data provided by Colorado Department of Corrections and Colorado State Judicial System ICON database with analysis by the Colorado Division of Criminal Justice.

9. [Sen. Amabile] Does reoffending only include new crimes, or does it also include returns to prison for technical violations?

**Response:** For the purposes of “CARAS recidivism,” the offense “severity” is defined as a felony filing within two years of release from DOC. Additionally, “recidivism” also includes a technical violation while on parole within two years of release from DOC.

10. [Rep. Taggart] Is there a national risk assessment or model that the State should look to adopt? What are the advantages of a state-specific assessment?

**Response:** There is no nationally accepted risk assessment. There are some which are commonly used, such as the Ohio Risk Assessment System (ORAS). The performance of the CARAS 7 exceeds that of the ORAS as measured by validations that have been conducted by other states of the ORAS. Additionally, any other instruments would need to be validated against a Colorado population, which may result in poor predictive power if the instrument’s risk metrics from other states do not align with the Colorado DOC population.

There are several advantages of a state-specific instrument. First, since it is created and validated on a Colorado DOC population we can have confidence that the risk levels correspond with the distribution of risk across Colorado’s prison population. An assessment created on a different state’s prison population may result in bias one way or another, which may be difficult to detect. Second, since the CARAS is re-created every five years we can modify it to track how different metrics may be impacting risk levels that were not predictive in the past or remove prior metrics that are no longer predictive. Third, there may be information that DOC no longer collects due to internal changes. For example, the Level of Service Inventory-Revised (LSI-R) risk score was used in the CARAS 6 but was no longer available for CARAS 7 due to changes in DOC’s risk assessment protocols. The state-specific assessment allows for other adjustments if a certain metric was collected reliably in the past but is not currently. It also allows for

*smaller adjustments which more recent data shows to be more predictive, such as moving from the binary variable “arrested under age 16” to the continuous one of “age at first arrest/charge” which allows for a more granular use of age of first criminality and allows those who don’t commit crime until older in life to have that taken into account.*

## **Sentencing and crime rates**

11. *[Rep. Bridges]* Is there a relationship between the length of a sentence and recidivism? If so, why?

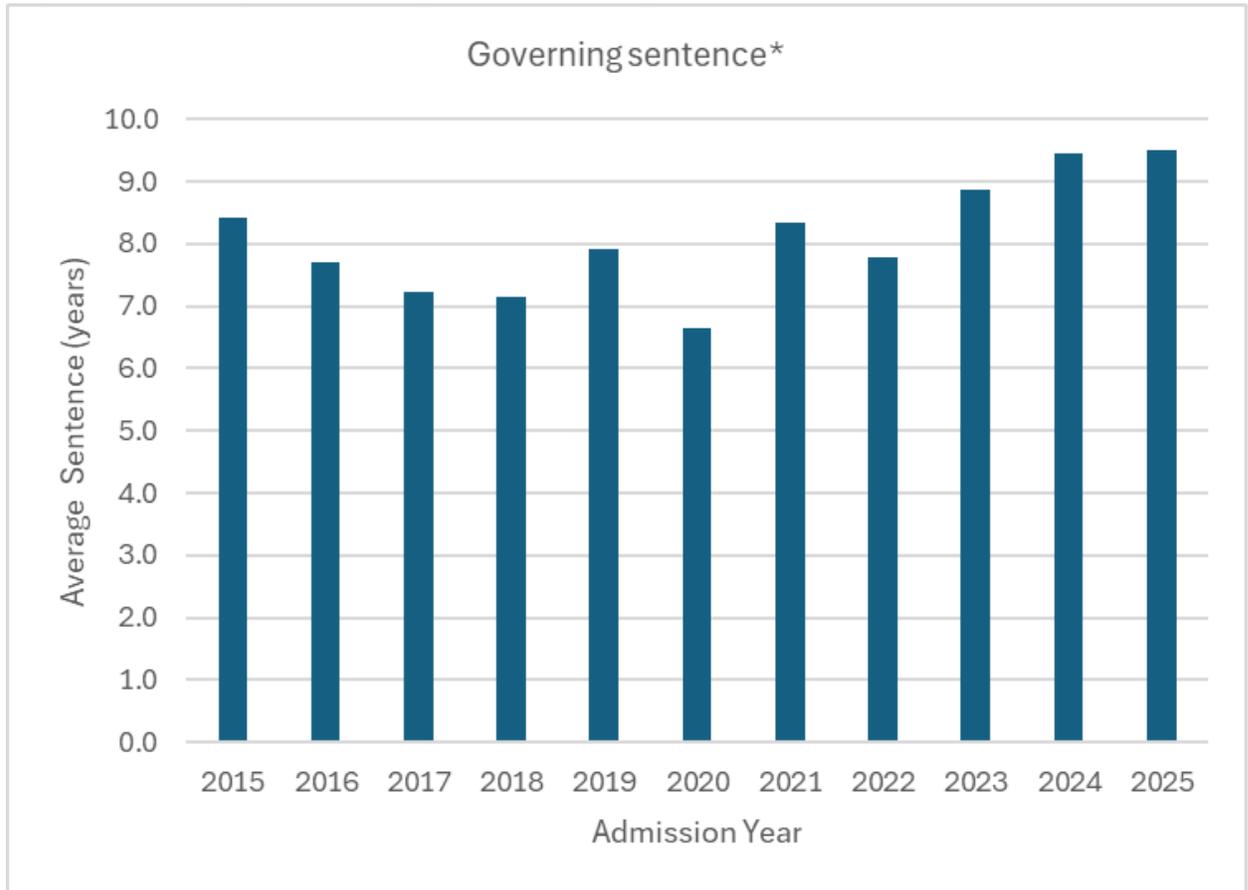
***Response:** Research on the relationship between sentence length and future criminal behavior is mixed but generally finds that increasing sentence length does not provide a consistent or substantial return on investment in recidivism reduction. Three (deterrence, incapacitation, and rehabilitation) of the commonly stated purposes of sentencing are intended to reduce the likelihood of future criminal behavior. A fourth purpose, retribution, is not intended to produce crime reduction benefits. Deterrence theory suggests that the experience of punishment is undesirable either from direct experience (specific deterrence) or from the knowledge of other’s experience (general deterrence) to discourage criminal behavior—the perceived costs outweigh the perceived benefits. Incapacitation suggests that incarceration prevents, or at least limits, an individual from committing crimes. Finally, exposure to treatment services or programming while incarcerated lead to positive changes that reduce the desire to reoffend separate from the fear of punishment suggested by deterrence theory.*

*Research on the relationship between sentence length and future criminal behavior is mixed, but generally finds that increasing sentence length does not provide a consistent or substantial return on investment in recidivism reduction. Two papers have summarized the current state of the research literature: Nagin, Cullen, and Jonson (2009) and Berger, E., & Scheidegger, K. (2021). Sentence Length and Recidivism: A Review of the Research. SSRN Electronic Journal. <https://doi.org/10.2139/ssrn.3848025>*

12. [Sen. Amabile] Have sentence lengths increased or decreased in Colorado over the last 10 years? And why have they increased or decreased?

**Response:** Average and median sentences to DOC have increased since CY 2015. Prior to 2023, the average sentence for those admitted to prison with a new conviction was between 7 and 8 years, with a median of 3 years. In 2023, the average increased to 9 years, and further to 9.5 years in both 2024 and 2025. The median sentence also increased to 4 years between 2023 and 2025.

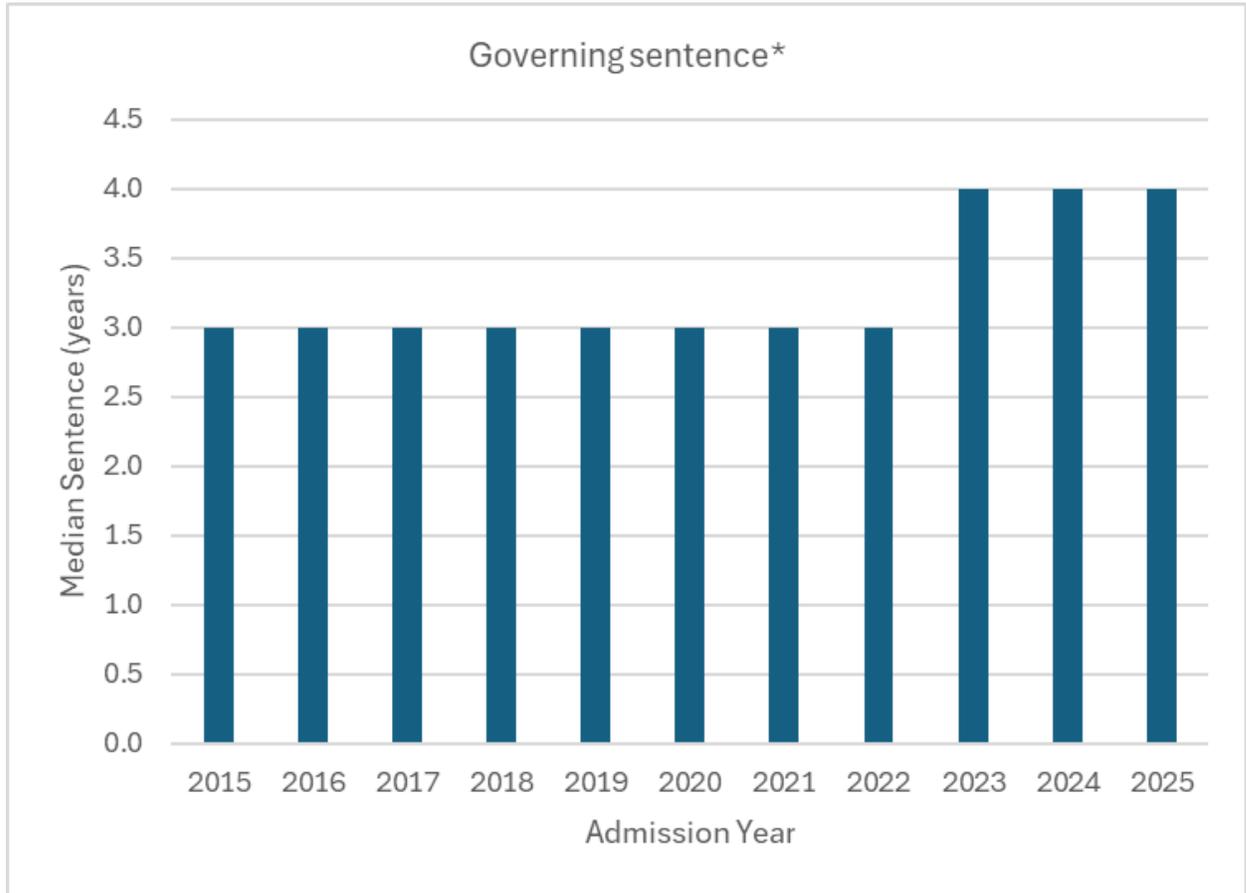
**Figure 1. Average Governing Sentence Length to DOC, 2015-2025**



Source: Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

Note: Maximum sentence length was capped at 99 years for the purpose of these calculations.

**Figure 2. Median Governing Sentence Length to DOC, 2015-2025**



Source: Data provided by the Colorado Department of Corrections and analyzed by the Division of Criminal Justice Office of Research and Statistics.

Note: Maximum sentence length was capped at 99 years for the purpose of these calculations.

*The proportion of those sentenced to prison for violent crimes or with enhanced sentences has gone up from approximately 35% prior to 2020 to approximately 44% in ensuing years.*

*The number of those admitted for escape has fallen steadily since 2020, from representing approximately 9% of annual admissions to less than a percentage point (0.9%) in 2024 and 0.5% in the first half of 2025. These people generally had long sentences when they were returned to prison. At the same time, the proportions admitted annually for drug offenses has increased while the average sentences for these crimes has concurrently increased.*

## Crime victims services funding

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### Update on guns and ammunition excise tax (Proposition KK) revenue

13. [Sen. Bridges] How much revenue are we receiving from the guns and ammunition excise tax? How does actual revenue compare to fiscal note projections?

*Response: The fund for the guns and ammunition excise tax has received approximately \$10 million as of November 1, 2025. Revenue collection began on April 1, 2025. Of the revenue collected DCJ has received approximately \$6.0 million. The revenue is trending below the initial projections and it is anticipated that the collections for the first year will be closer to \$15.0 million. The bill estimated an annual revenue of \$39.0 million.*

*Because the first \$30 million is to go to the Crime Victim Services Fund, there are not expected to be disbursements to the other funds identified in H.B. 24-1349.*