

Colorado Department of Public Safety
Division of Criminal Justice

Report on Crime and Justice in Colorado and Denver 1985

U.S. Department of Justice
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Introduction

The Colorado Division of Criminal Justice presents to the state this comprehensive picture of crime and the criminal justice system in Colorado and Denver. Relying heavily on graphics and a non-technical format, it brings together a wide variety of data from DCJ's own databases, the Colorado Bureau of Investigation, the Colorado Judiciary, the Department of Corrections, the Division of Youth Services and the District Attorneys Council.

A local perspective on crime and justice is provided with the inclusion of data about the City and County of Denver, supplied by the Denver Department of Safety, Office of Policy Analysis. Colorado's problems and successes are placed in a national context using research and reference sources which include the Bureau of Justice Statistics, the Federal Bureau of Investigation and the Bureau of the Census.

This report contains national, state and local figures on crime and the criminal justice system

and answers such questions as: How much crime is there? Who does it strike? When? Where? Who is the typical offender? What is the response to crime by the criminal justice system? What happens to the convicted offender? How differently are juveniles handled from adults? What are the costs of justice and who pays?

Because this report analyzes many rich data sources and is presented with the use of graphics and clear expression, it should be of interest to the general public, elected government officials and criminal justice practitioners. The report attempts to assist the state as it seeks to appreciate the enormity and complexity of the crime problem and to identify solutions facing the criminal justice system.

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Acknowledgements

The idea and format for this report grew out of the Report to the Nation on Crime and Justice developed by the Bureau of Justice Statistics within the United States Department of Justice. Much of the national data presented in the Colorado report were extracted from the national report with permission from the Bureau of Justice Statistics. Information from the national report, such as much of the chapter on the victim, was used to fill gaps in state and local data. The Bureau of Justice Statistics also provided funding for the graphics production and the printing of the report.

To ensure the quality of the report, outside experts were involved in its review. Selected for their familiarity with the subject matter, the external reviewers were:

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Chapter I

The criminal event

This chapter gives an overview of crime as it exists in Colorado and the City and County of Denver with data that answer such questions as:

How are crimes defined? What are the most common serious crimes?

What are the main sources of national crime statistics? What do they measure? How and why do they differ?

How much crime is there? Have crime rates gone up or down? What do different kinds of statistics tell us about crime trends?

When do crimes occur?

Where do crimes occur?

What kinds of weapons are used in various types of crimes? How often are handguns used in crime?

What is crime?

Crimes are defined by law

In this report, we define crime as all behaviors and acts for which a society provides formally sanctioned punishment.¹ In the United States, what is criminal is specified in the written law, primarily the state statutes. What is included in the definition of crime varies among federal, state, and local jurisdictions.

Criminologists devote a great deal of attention to defining crime in both general and specific terms. This definitional process is the first step toward the goal of obtaining accurate crime statistics.

How do violent crimes differ from property crimes?

Violent crime refers to events such as homicide, rape, and assault that may result in injury to a person. Robbery is also considered a violent crime because it involves the use or threat of force against a person.

Property crimes are unlawful acts with the intent of gaining property but which do not involve the use or threat of force against an individual. Larceny, burglary, and motor vehicle theft are examples of property crimes.

How do felonies differ from misdemeanors?

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

A felony is defined by the Colorado Constitution as any criminal offense punishable by death or imprisonment in the penitentiary.

Misdemeanors are less serious offenses usually resulting in a fine, a sentence to the county jail and/or probation.

What are some other common crimes in the United States

Drug abuse violations—Offenses relating to growing, manufacturing, making, possessing, using, selling, or distributing narcotic

What are the characteristics of the most common serious crimes?

Crime	Definition	Facts
Homicide	Causing the death of another person without legal justification or excuse.	<ul style="list-style-type: none">• Homicide is the least frequent violent crime.• 14% of the murders in 1984 in Colorado were committed by strangers.• In 67% of the cases the victim and offender were related or acquaintances.• In the other 19% of the cases, the relationship was unknown.• 68% of the victims and at least 72% of the offenders were male.
Rape	Unlawful sexual intercourse with a female, by force or without legal or factual consent.	<ul style="list-style-type: none">• Most rapes involved a lone offender and a lone victim.• Only 18% of the rapes involved the use of a deadly weapon.
Robbery	Unlawful taking or attempted taking of property that is in the immediate possession of another, by force or threat of force.	<ul style="list-style-type: none">• Robbery was the violent crime that typically involved more than one offender (in about half of all cases).• Almost two-thirds of all robberies involved the use of a weapon.• Nationally, less than 2% of the robberies reported to the police were bank robberies.
Assault	Unlawful intentional inflicting, or attempted inflicting, of injury upon the person of another. <i>Aggravated assault</i> is the unlawful intentional inflicting of serious bodily injury or unlawful threat or attempt to inflict bodily injury or death by means of a deadly or dangerous weapon with or without actual infliction of injury. <i>Simple assault</i> is the unlawful intentional inflicting of less than serious bodily injury without a deadly or dangerous weapon or an attempt or threat to inflict bodily injury without a deadly or dangerous weapon.	<ul style="list-style-type: none">• Simple assault occurred more frequently than aggravated assault, almost 60% of the time.• Assault was the most common type of violent crime, accounting for 82% of all violent crime.

Sources: Bureau of Justice Statistics (BJS) National Crime Survey, 1981
BJS Dictionary of Criminal Justice Data Terminology, 1981
Colorado Bureau of Investigation, Crime in Colorado, 1984 and 1985 UCR data.

and dangerous nonnarcotic drugs. A distinction is made between possession and sale or manufacturing.

Sex offenses—In current statistical usage, the name of a broad category of varying content, usually consisting of all offenses having a sexual element except for forcible rape and commercial sex offenses.

Fraud offenses—The crime type comprising offenses sharing the elements of practice of deceit or intentional misrepresentation of fact, with the intent of unlawfully depriving a person of his property or legal rights.

Drunkenness—Intoxication, but does not include "driving under the influence."

Disturbing the peace—Unlawful interruption of the peace, quiet, or order of a community, including offenses called "disorderly conduct," "vagrancy," "loitering," "unlawful assembly," and "riot."

Driving under the influence—Driving or operating any vehicle or common carrier while drunk or under the influence of liquor or narcotics.

Liquor law offenses—State or local liquor law violations, except drunkenness and driving under

Crime	Definition	Facts
Burglary	Unlawful entry of any fixed structure, vehicle, or vessel used for regular residence, industry, or business, with or without force, with the intent to commit a felony.	<ul style="list-style-type: none"> • 27% of all household burglaries in Colorado in 1984 occurred without forced entry. • In the burglary of more than 13,000 Colorado households, the offenders entered through an unlocked window or door or used a key (for example, a key "hidden" under a doormat). • About 65% of residential burglaries were known to have occurred between 6 a.m. and 6 p.m. • Residential property was targeted in 64% of reported burglaries; non-residential property accounted for the remaining 36%. • Almost half of the nonresidential property burglaries for which the time of occurrence was known took place at night.
Larceny (theft)	Unlawful taking or attempted taking of property other than a motor vehicle from the possession of another, by stealth, without force and without deceit, with intent to permanently deprive the owner of the property.	<ul style="list-style-type: none"> • Pocket picking and purse snatching most frequently occur inside nonresidential buildings or on street locations. • Unlike most other crimes, pocket picking and purse snatching affect the elderly as much as other age groups. • Most personal larcenies with contact occur during the daytime, but most household larcenies occur at night.
Motor vehicle theft	Unlawful taking or attempted taking of a self-propelled road vehicle owned by another, with the intent of depriving the owner of it permanently or temporarily.	<ul style="list-style-type: none"> • Motor vehicle theft is relatively well reported to the police because reporting is required for insurance claims and vehicles are more likely than other stolen property to be recovered. More than 80% of the vehicles stolen in Colorado in 1984 were recovered.
Arson	Intentional damaging or destruction or attempted damaging or destruction by means of fire or explosion of the property without the consent of the owner, or of one's own property or that of another by fire or explosives with or without the intent to defraud.	<ul style="list-style-type: none"> • 54% of the arsons of structures were residential properties. • Approximately 29% of the arsons of structures were business and 13% were public buildings. • Juveniles were arrested in 48% of the arsons cleared by arrest.

past decade. For example, the dramatic growth in high technology has brought with it sensational accounts of computerized "heists" by sophisticated felons seated safely behind computer terminals. The specter of electronic penetration of the nation's financial assets has spurred widespread interest in computer security by business and government alike.

In the area of political crime, exposés of illegal campaign contributions and the ability of powerful financial elements to influence government have gravely disturbed the public.

Some organized crime is white-collar crime

"Organized crime" refers to those self-perpetuating, structured, and disciplined associations of individuals, or groups, combined together for the purpose of obtaining monetary or commercial gains or profits, wholly or in part by illegal means, while protecting their activities through a pattern of graft and corruption.

Organized crime groups possess certain characteristics that include but are not limited to the following:

- Their illegal activities are conspiratorial.
- In at least part of their activities, they commit or threaten to commit acts of violence or other acts that are likely to intimidate.
- They conduct their activities in a methodical, systematic, or highly disciplined and secret fashion.
- They insulate their leadership from direct involvement in illegal activities by their intricate organizational structure.
- They attempt to gain influence in government, politics, and commerce through corruption, graft, and legitimate means.
- They have economic gain as their primary goal, not only from patently illegal enterprises such as drugs, gambling, and loan-sharking, but also from such activities as laundering illegal money through and investment in legitimate business.

the influence. Federal violations excluded are:

Gambling—Unlawful staking or wagering of money or other thing of value on a game of chance or on an uncertain event.

Status offenses—Acts that are illegal only if committed by a juvenile, for example, truancy.

What are white-collar crimes?

There is much debate over the proper definition of "white-collar" crime. Reiss and Biderman define it as violations of law "that involve the use of a violator's position of significant power, influence or trust ... for the purpose of illegal

gain, or to commit an illegal act for personal or organizational gain."²

White-collar crimes include such traditional illegalities as embezzlement, bribery, fraud, theft of services, theft of trade secrets, forgery, smuggling, tax evasion, obstruction of justice, and others, where the violator's position of fiduciary trust, power, or influence has provided the opportunity to abuse lawful institutions for unlawful purposes. White-collar offenses frequently involve deception.

New forms of white-collar crime involving political and corporate institutions have emerged in the

Uniform Crime Reports (UCR) and the National Crime Survey (NCS) are the main sources of national crime statistics

National crime statistics focus on selected crimes

The two sources, UCR and NCS, concentrate on measuring a limited number of well-defined crimes. They do not cover all possible criminal events. Both sources use commonly understood definitions rather than legal definitions of crime.

"Crime" covers a wide range of events. It isn't always possible to tell whether an event is a crime. For example, if your personal property is missing, you may not know for certain whether it was stolen or simply misplaced.

The UCR Index shows trends in eight major crimes

In 1927, the International Association of Chiefs of Police (IACP) formed a committee to create a uniform system for gathering police statistics. The goal was to develop a national system of statistics that would overcome variations in the way crimes were defined in different parts of the county.

Because of their seriousness, frequency of occurrence, and likelihood of being reported to the police, seven crimes were selected as the basis for the UCR Index for evaluating changes in the volume of crime. Arson was added as the eighth UCR Index offense in 1978.

UCR data in Colorado are collected by the Colorado Bureau of Investigation from local law enforcement agencies. The information is then transmitted to the FBI to be included in national statistics.

The NCS adds information about victims and crimes not reported to police

In 1973, to learn more about crimes and the victims of crime, the National Crime Survey began to measure crimes not reported to police as well as those that are reported. Except for homicide (which is well reported in police statistics) and arson (which is difficult to measure using survey

How do UCR and NCS compare?

	Uniform Crime Reports	National Crime Survey
<i>Offenses measured:</i>	Homicide Rape Robbery (personal and commercial) Assault (aggravated) Burglary (commercial and household) Larceny (commercial and household) Motor vehicle theft Arson	Rape Robbery (personal) Assault (aggravated and simple) Household burglary Larceny (personal and household) Motor vehicle theft
<i>Scope:</i>	Crimes reported to the police in most jurisdictions; considerable flexibility in developing small-area data	Crimes both reported and not reported to police; all data are for the Nation as a whole; some data are available for a few large geographic areas
<i>Collection method:</i>	Police department reports to FBI	Survey interviews; periodically measures the total number of crimes committed by asking a national sample of 60,000 households representing 135,000 persons over the age of 12 about their experiences as victims of crime during a specified period.
<i>Kinds of information:</i>	In addition to offense counts, provides information on crime clearances, persons arrested, persons charged, law enforcement officers killed and assaulted, and characteristics of homicide victims	Provides details about victims (such as age, race, sex, education, income, and whether the victim and offender were related to each other) and about crimes (such as time and place of occurrence, whether or not reported to police, use of weapons, occurrence of injury, and economic consequences)
<i>Sponsor:</i>	Department of Justice Federal Bureau of Investigation	Department of Justice Bureau of Justice Statistics

techniques), the NCS measures the same crimes as the UCR. Both the UCR and NCS count attempted as well as completed crimes.

The portraits of crime from NCS and UCR differ because they serve different purposes and are based on different sources

These are some of the more important differences in the programs, thought to account for a good deal of the differences in resulting statistics:

- The UCR counts only crimes coming to the attention of the police. The NCS obtains information on both reported and unreported crime.
- The UCR counts crimes committed against all people and all businesses, organizations, government agencies, and other victims. NCS counts only crimes

against persons age 12 or older and against their households.

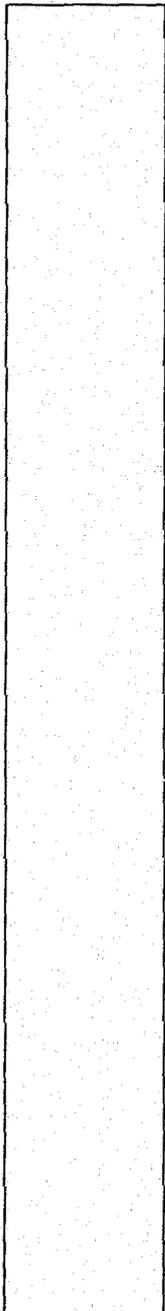
- The two programs, because they serve different purposes, count crimes differently in some instances. For example, a criminal robs a victim and steals someone else's car to escape. UCR only counts the robbery, the more serious crime. NCS could count both; one as a personal crime and one as a household crime.

- Each program is subject to the kinds of errors and problems typical of its method of data collection that may serve to widen or narrow the differences in the counts produced by the two programs. For example, it is widely believed by analysts that the rise in the number of rapes reported to police stems largely from the special programs established by many police departments to treat victims of rape more sympathetically.

How much crime is there?

Property crimes outnumbered violent crimes 13 to 1

Property crimes
5,827 per 100,000
Colorado population



Category	Rate per 100,000
Property crimes	5,827
Larceny-theft	62.3%
Burglary	24.3
Motor vehicle theft	6.2
Total property crimes	92.8
Violent crimes	448
Aggravated assault	4.7
Robbery	1.8
Forcible rape	.6
Murder	.1
Total violent crimes	7.2

Violent crimes
448 per 100,000
Colorado population

Source: Colorado Bureau of Investigation (CBI), Crime in Colorado, 1984

201,804 UCR index crimes were reported to police in Colorado in 1984

Violent Crimes	State	Denver
Murder	178	82
Forcible rape	1,243	427
Robbery	3,588	1,681
Assault	9,411	1,910
Total violent	14,420	4,100
Property Crimes		
Burglary	48,990	15,035
Larceny/theft	125,958	27,757
Motor vehicle theft	12,436	5,022
Total Property	187,384	47,814
Total	201,814	51,914

Source: CBI, Crime in Colorado, 1984

Denver has a higher rate of crime than the balance of the state

790 violent crimes per 100,000 population were reported in Denver in 1984 and 9,210 property offenses. Approximately 16% of Colorado's population lives in Denver, but 26% of the reported crime occurred in Denver.

Businesses are prime targets of robbers and burglars

• In 1980, businesses in the United States were robbed at a rate 10 times higher than the rate for private persons.

• In the same year, businesses were burglarized at a rate of more than 5 times higher than the rate for households.

Convenience stores are robbed more often than other types of businesses

In 1981, more than 140,000 completed or attempted robberies were reported to the police throughout the United States by stores, gas stations, banks and other commercial establishments. Convenience stores were hit by 35,000 robberies—about 1.5 times the number of gas station robberies and 5 times the number of bank robberies.

More than \$142 million was reported stolen in Colorado in 1984

Offense	Value	Loss Per Offense
Rape	\$ 51,488	\$ 41
Robbery	2,272,792	638
Burglary	45,914,968	937
Larceny	42,434,172	336
Vehicle theft	51,536,131	4,444
Total	\$142,217,706	\$ 739

Source: CBI, Crime in Colorado, 1984

Motor vehicles are more likely to be recovered than any other type of stolen property

Type of Property	Stolen	Recovered	Percent Recovered
Locally stolen motor vehicles	\$ 53,135,274	\$43,106,326	81%
Firearms	1,897,142	275,048	15
Consumable goods	1,424,652	198,409	14
Livestock	355,520	49,917	14
Clothing and furs	4,116,969	469,839	11
Jewelry	14,286,708	1,492,872	10
Office equipment	3,770,061	362,902	10
Household goods	3,863,323	322,514	8
Currency	8,438,644	692,108	8
Television, radios, stereos, etc.	18,937,445	1,492,903	8
Other	31,991,968	5,294,104	17
Total	142,217,706	53,756,942	38

Source: CBI, Crime in Colorado, 1984

What are the trends in crime?

In 1984, index crimes were at their lowest level in nine years

Larceny/theft, aggravated assault and motor vehicle theft increased between 1973 and 1984. However, all of the index crime categories have leveled off or declined in recent years. Both the actual number of index crimes reported to police and the rate per 100,000 population decreased in Colorado each of the last three years. A similar trend also is emerging at the national level.

There also has been a general downturn in criminal victimization rates in recent years

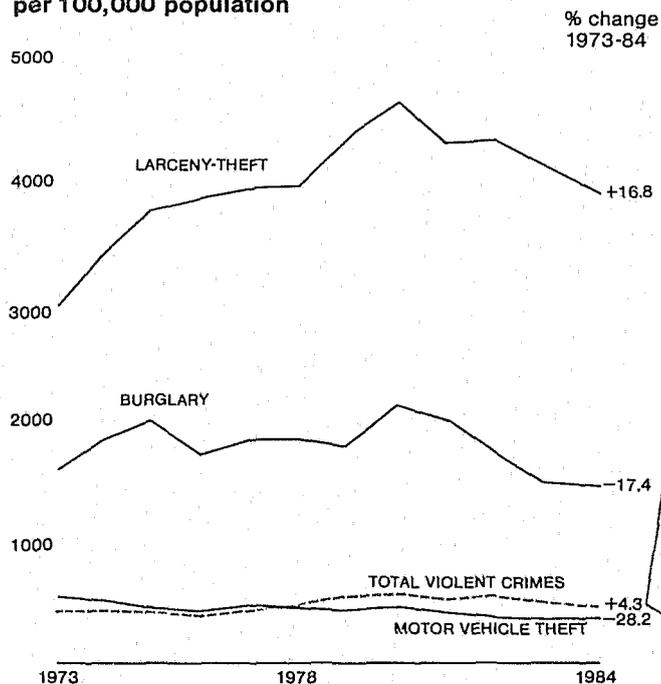
The proportion of the nation's households touched by a crime of violence or theft fell in 1983 to 27% from the previous year's level of 29%. This is the lowest level in the 9-year period for which these data are available. The percent of the nation's households touched by crime has been declining slowly since 1975, but the 1982-1983 change was the largest year-to-year decrease.

A household is considered "touched by crime," if during the year it experienced a burglary, auto theft, or household larceny, or if a household member was raped, robbed or assaulted or was the victim of a personal larceny.

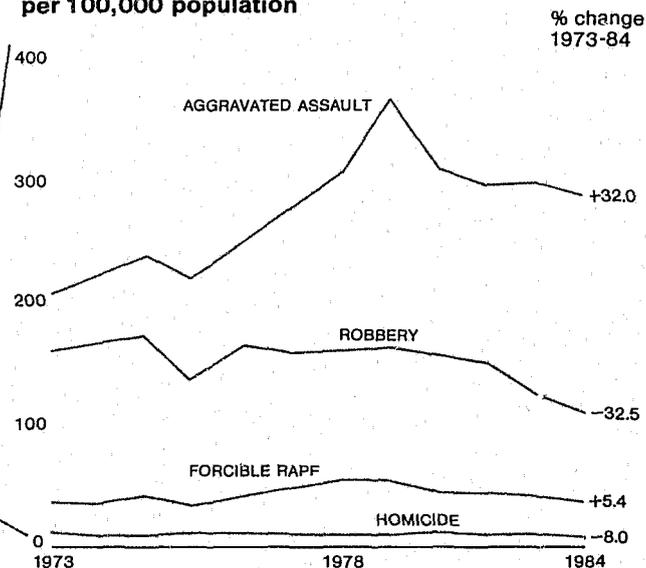
The rates of victimization obtained from crime surveys of citizens are generally thought to reflect more completely the actual amount of crime because they measure both reported and unreported crime.

Index crime has declined in most categories in recent years

UCR Index Crimes per 100,000 population



Violent UCR Index Crimes per 100,000 population



Sources: Colorado Bureau of Investigation, Crime in Colorado, 1976-1984
Federal Bureau of Investigation, Crime in the United States, 1973-1975

Homicide data provide added perspective to crime trends

The National Center for Health Statistics derives homicide data from death certificates filed throughout the United States, based on the judgments of appropriate authorities as to the causes or probable causes of death.

Homicide data have been compiled from death certificates for the entire 20th Century to date. This makes it possible to view rises and drops in the homicide rate against a backdrop of events and developments of national magnitude in order to explore the possibility that any of these events or developments have had any influence on the homicide rate.

Three major long-term trends in homicide are evident. From 1903

to 1933, the rate rose from 1.1 to 9.7 homicides per 100,000 people. Between 1934 and 1958, it fell to 4.5. From 1961 through 1980, it rose again to 11.0. Many minor short-term trends are also evident, such as the 1945-47 rise within a long-term falling trend.

While it is safe to say that many national events combine to affect the crime rate, some occurrences seem of such magnitude that their influence seems to be a major factor:

- World War II affected the homicide rate, by a sharp decline during the war years, and a short-term rise immediately after the war's end, when most of the soldiers returned home.

- The postwar baby-boom generation began to reach age 16 in the early 1960's. At the same time, the homicide rate

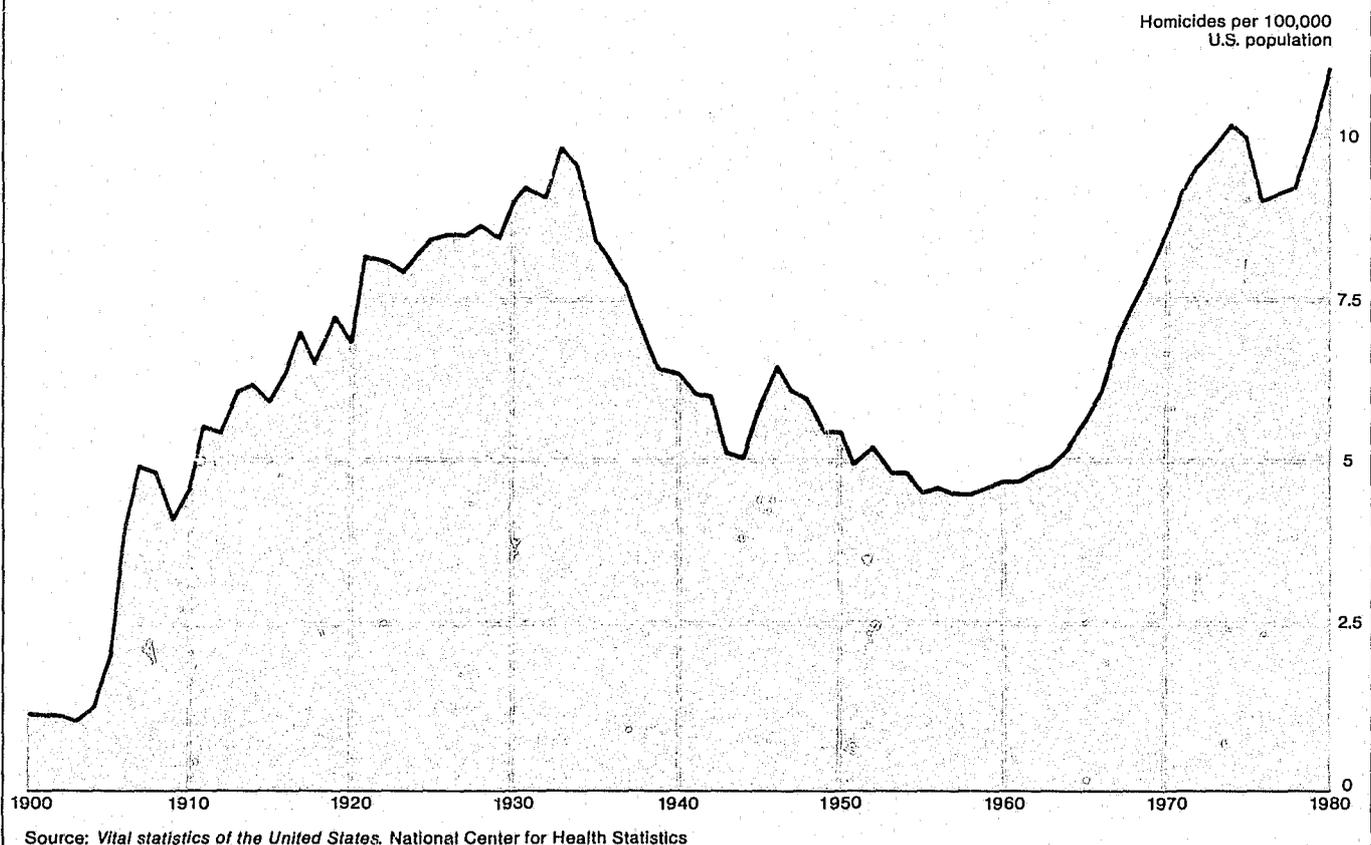
began to rise sharply. As discussed in Chapter II, violent victimization is most prevalent among people under age 30. Therefore, when the baby-boom generation reached the victimization-prone ages, the homicide rate would be expected to increase.

UCR and Public Health statistics both show that the homicide rate has been rising since 1961

Despite differences between the two series, historically, they have tracked very closely. Homicide statistics are generally regarded as the most reliable and valid of all crime statistics.

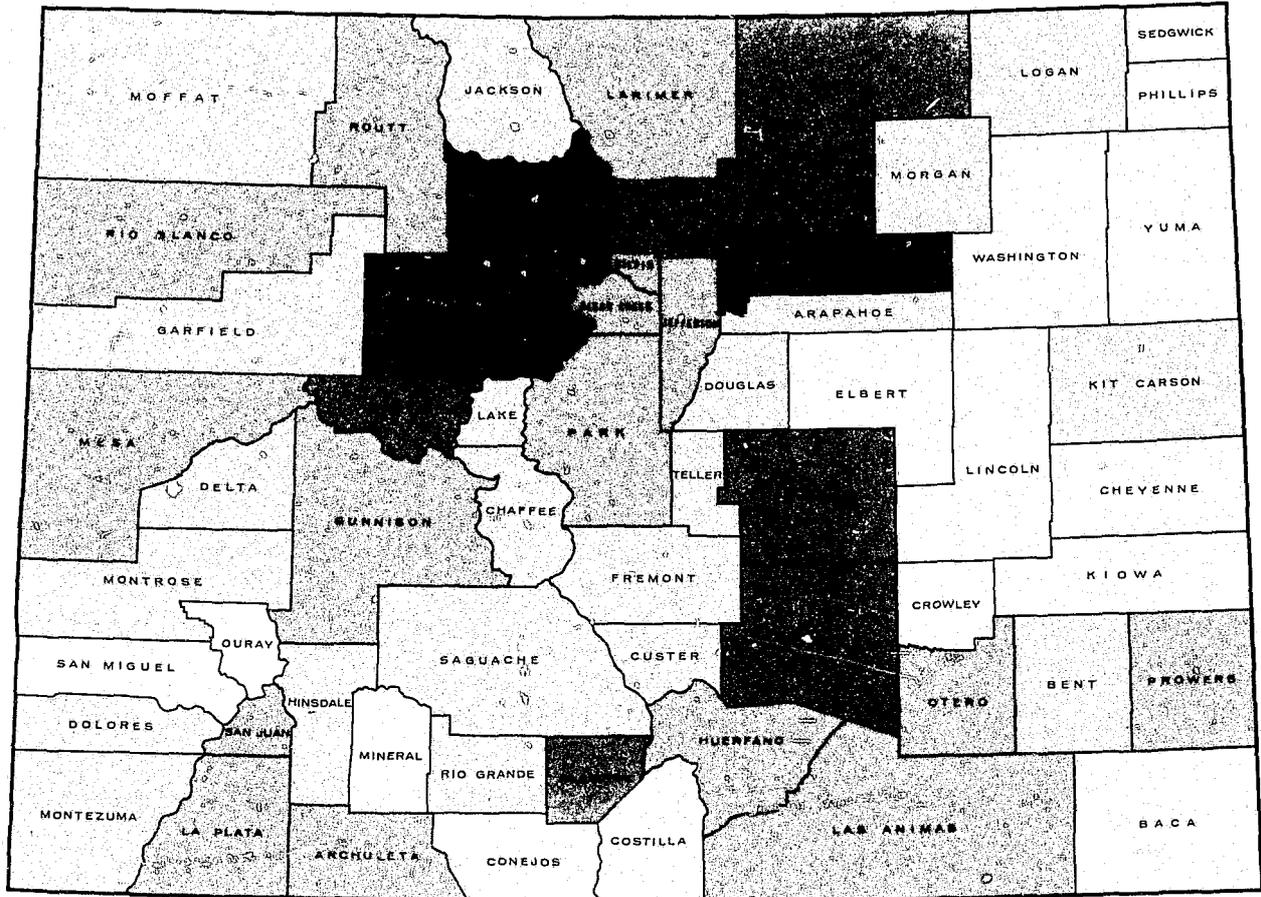
Because the two series serve different purposes, they consider homicide from somewhat different perspectives and, therefore, do differ slightly.

In 1980, the homicide rate was the highest level in this century.



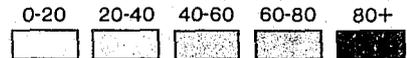
Where does most crime occur?

UCR Index Crime rates are highest in urban and resort areas



Source: Colorado Bureau of Investigation, Crime in Colorado, 1984

Number of UCR Index Offenses per 1,000 population



Counties with the highest crime rates tend to be urban or resort areas; those with the lowest rates tend to be very rural

The resort areas have very high rates of property crime. Part of the high crime rate in resort areas is due to the high number of nonresidents relative to the resident population.

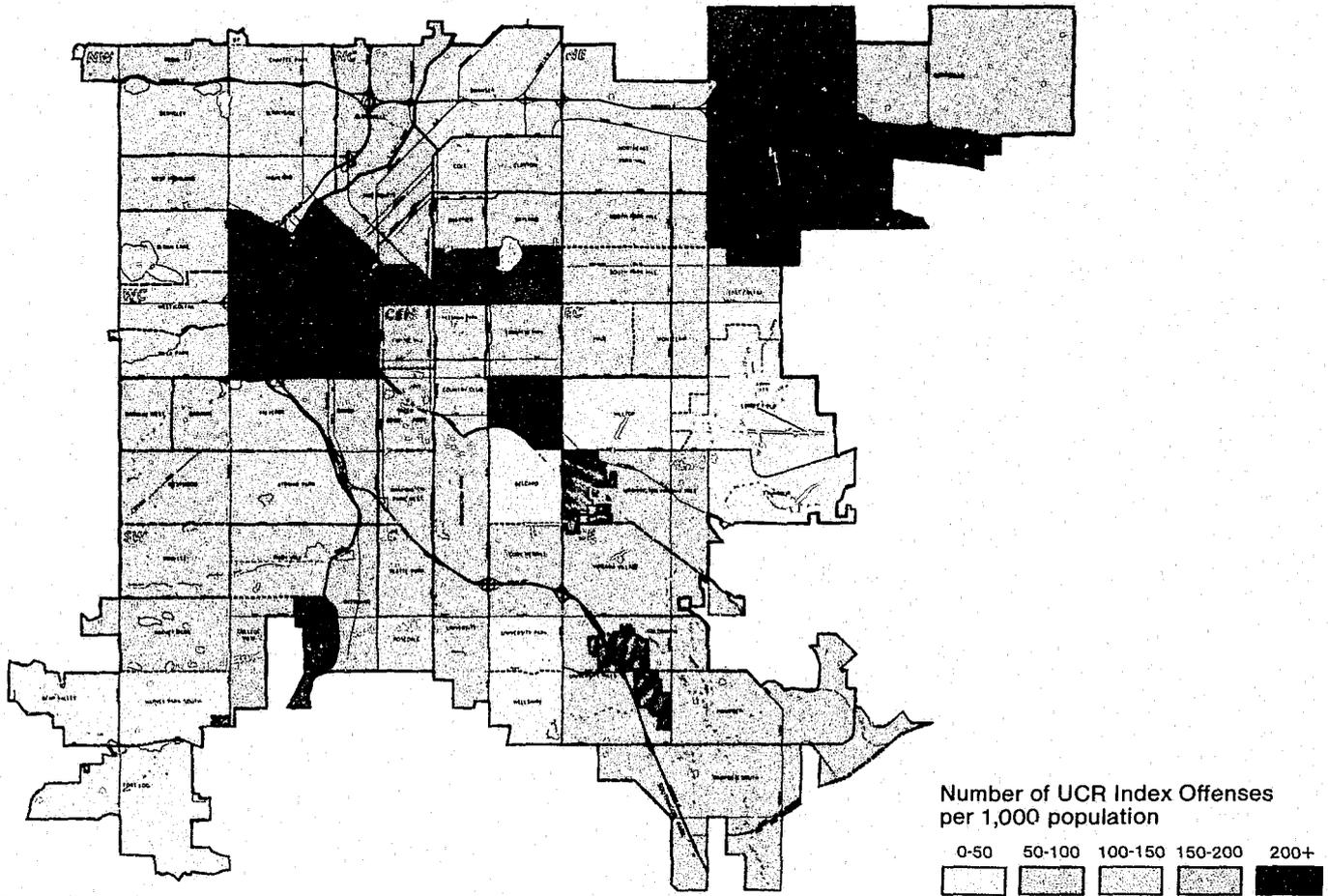
Colorado ranks below the national average on violent crimes and above on property crimes

	Rate per 100,000 Population		Colorado's Ranking
	Colorado	National	
Violent crimes	476	529	18
Homicide	6	8	25
Forcible rape	42	34	8
Robbery	126	214	22
Aggravated assault	302	273	12
Property crimes	6,151	4,630	1
Burglary	1,532	1,334	10
Larceny/theft	4,246	2,867	1
Motor vehicle theft	373	429	15

Note: District of Columbia is excluded from state rankings

Source: Federal Bureau of Investigation, Crime in the United States, 1983

UCR Index Crime rates are highest in the older neighborhoods in the center of Denver



Source: Denver Department of Safety, 1983 Neighborhood Rankings

87% of violent crimes occurred away from victim's home

National Crime Survey data for 1980 indicate that:

- Only 13% of the total number of violent crimes occurred in and around the victim's home, but 20% of all rapes occurred there.
- 39% of violent crimes committed by persons known to the victim took place in or near the victim's home, while only 15% of those committed by strangers occurred there.
- 86% of all household larcenies took place near the victim's home rather than inside the dwelling.

Place of occurrence	% crimes of violence (rape, robbery, assault)	% larceny without contact
On street, park, playground, school ground, or parking lot	41%	44%
Inside nonresidential building	15	21
Inside own home	13	*
Near own home	11	*
Inside school	5	16
Elsewhere	15	19
Total	100%	100%

*By definition, personal larceny without contact cannot occur in these locations.

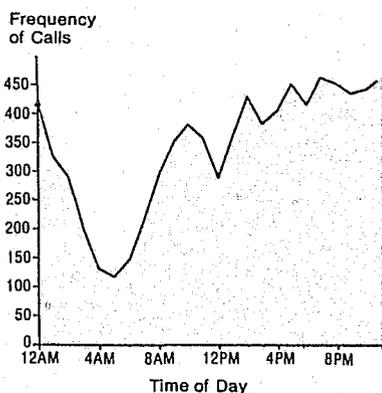
Source: BJS National Crime Survey, 1980.

When does crime occur?

Emergency calls for service are greatest between 6:00 p.m. and 2:00 a.m.

An analysis of calls for service conducted by the Denver Police Department and the Denver Anti-Crime Council in 1981 showed that more than 41% of the calls for service are received during the 6 p.m. to 2 a.m. shift and only 21% are received during the 2 a.m. to 10 a.m. shift.

Calls for service in Denver are lowest about 4:00 a.m. and then increase throughout the day until midnight



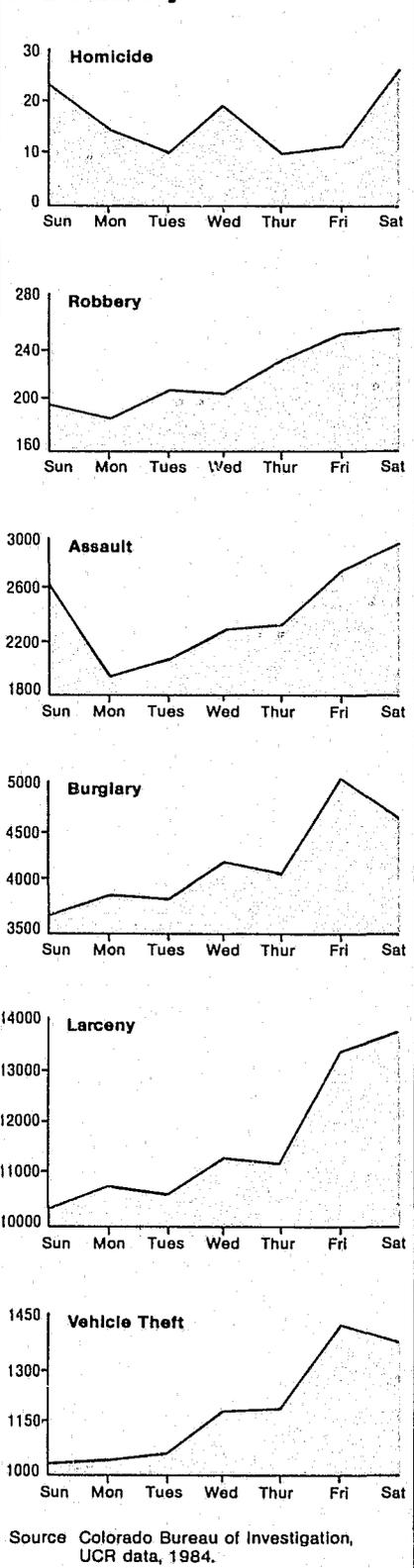
Source: Denver Police Department, Analysis of 1981 "Calls for Service"

The highest proportion of crime related calls in Denver are received between 6 p.m. and 2 a.m.

Type of call	Shift		
	2am-10am	10am-6pm	6pm-2am
Traffic	24%	30%	25%
Crime	31	26	47
Alarms	46	44	28

Source: Denver Police Department Analysis of 1981 "Calls for Service"

Most crimes occur on Friday and Saturday



Source: Colorado Bureau of Investigation, UCR data, 1984.

Crime incidence varies with time of day

In 1980, among the crimes most likely to occur during evening or nighttime hours were motor vehicle theft (68%) and serious violent offenses such as personal robbery (58%) and aggravated assault (56%).

Among the crimes least likely to happen at night were simple assault (48%), purse snatching and pocket picking (38%), and personal larceny without contact (45%).

Many people do not know when some crimes took place. However, among victims who did know, burglaries (53%) occur more often during the day, and household larcenies (70%)—which do not involve either illegal entries or break-ins—happen more often at night.

Many Colorado communities experience seasonal variation in crime

Crime, especially larcenies, increase during the winter months in the ski areas. These and other communities may also see an increase in crime during the summer months with an influx of tourists.

What is the involvement of weapons in crime?

Weapons are often used in the commission of homicide and robbery

Weapon used	Homicide	Assault	Robbery
Firearm	47%	8%	43%
Knife or cutting instrument	23	9	13
Other dangerous weapon	10	11	8
None used	16	73	37
Unknown	5		

Source: Colorado Bureau of Investigation (CBI), Crime in Colorado, 1984

Victims used or brandished a gun or knife to protect themselves in only 2% of all violent crimes

National data show that in about a fourth of all violent crimes, victims protected themselves using physical force or with some object used as a weapon.

Because the circumstances of every victimization differ (time, place, nearness of people who might help, characteristics of victim, etc.), it is not possible to make inferences about the relationship between protective measures taken and the outcome of the victimization.

Personal weapons, such as hands, fists, feet, etc. are used most often in assaults on law enforcement officers

734 law enforcement officers were assaulted in 1984. Almost half of these assaults resulted in injury to the officer. The following shows the types of weapons used.

Weapon	Assaults
Firearm	8%
Knife, cutting instrument	5
Other dangerous weapon	15
Hands, fists, feet, etc.	72

Source: CBI, Crime in Colorado, 1984

Disturbance calls are the most dangerous for police officers

Type of call	Injuries
Disturbance	33%
Handling, transporting prisoner	25
Other arrest	14
Traffic pursuits and stops	7
Investigating suspicious persons or circumstances	7
Burglary or robbery in progress	2
All other	13

Source: CBI, Crime in Colorado, 1984

Colorado law does not prohibit the possession of handguns

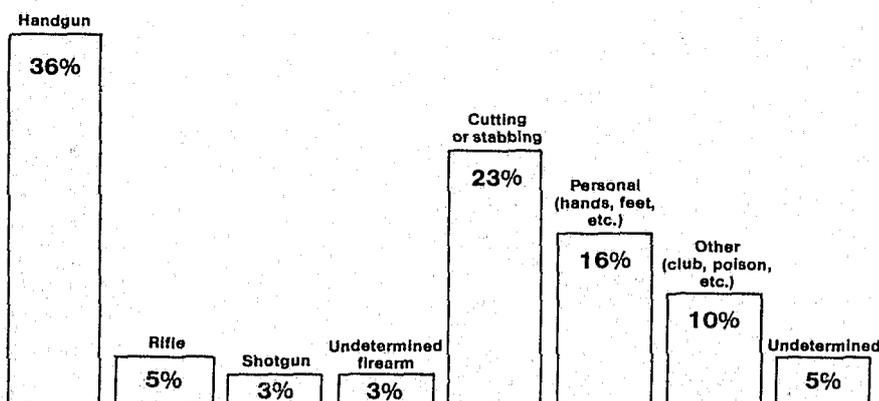
Possession of certain weapons is illegal. These include a black jack, bomb, firearm silencer, gas gun, machine gun, short shotgun or rifle, metallic knuckles, gravity knife or switchblade knife.

Carrying a concealed weapon is prohibited unless:

- the person is in his own dwelling or place of business or on property owned or under his control
- the person is in his private automobile or other private means of conveyance and carries a weapon for lawful protection of his or another person's property while traveling
- the person has been issued a weapon permit to carry the weapon
- the person is a peace officer

Permits to carry concealed weapons are issued by a chief of police or county sheriff. The police chief or sheriff shall make inquiry into the background of an applicant to determine if the applicant would present a danger to others or himself if granted the permit. A permit is effective in all areas of the state.

36% of all homicides in Colorado are committed with handguns



Source: CBI, Crime in Colorado, 1984

Basic sources

Analysis of 1981, Calls For Service, Denver Police Department and Denver Anti-Crime Council, July 15, 1985.

1983 Neighborhood Rankings, Safety Office of Policy Analysis Denver Department of Safety.

Dictionary of criminal justice data terminology, second edition, Bureau of Justice Statistics, U.S. Department of Justice, NCJ-76939 (Washington: USGPO, 1981).

National Crime Survey:

Criminal victimization in the U.S., 1980-81 changes based on new estimates, BJS Technical Report, NCJ-87577 (Washington: U.S. Department of Justice, March 1983.)

Criminal victimization in the United States, 1980, Bureau of Justice Statistics, NCJ-84015 (Washington: U.S. Department of Justice, June 1983)

Households touched by crime, BJS bulletin, NCJ-84406 (Washington: U.S. Department of Justice, September, 1982 and May, 1984.

Measuring crime, BJS bulletin, NCJ-75710 (Washington: U.S. Department of Justice, February 1981).

Uniform Crime Reports:

Crime in Colorado (annual), Colorado Bureau of Investigation, Department of Public Safety, 1976-1984.

Crime in the United States (annual), Federal Bureau of Investigation, U.S. Department of Justice (Washington: USGPO), 1970-1983.

Vital statistics of the United States (annual), National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services.

Notes

¹*Dictionary of criminal justice data terminology, second edition*, Bureau of Justice Statistics, U.S. Department of Justice, NCJ-76939 (Washington: USGPO, 1981), p. 61.

²Albert J. Reiss, Jr. and Albert D. Biderman, *Data sources of white-collar lawbreaking*, National Institute of Justice (Washington: U.S. Department of Justice, September 1980), p. 1.

Chapter II

The victim

This chapter profiles victims of crime with data that answer such questions as:

How do crime rates compare with the rates of other life events?

What actions have citizens taken in response to the fear of crime?

What groups of people are most likely and least likely to become victims of crime?

What are the risks of becoming a victim of rape, robbery, or assault?

What kinds of households are victimized by crime?

Is a person more likely to be victimized by a stranger or by a relative or acquaintance?

How does crime affect its victims?

How do victims of violent crime protect themselves? What is the proper response if sexually assaulted?

Why are only a third of all crimes against people and their households reported to the police?

What services are available for victims of crime?

The fear of crime affects many people, including some who have never been victims of crime

How do crime rates compare with the rates of other life events?

Events	Rate per 1,000 adults per year*
Accidental injury, all circumstances	290
Accidental injury at home	105
Personal theft	82
Accidental injury at work	68
Violent victimization	33
Assault (aggravated and simple)	25
Injury in motor vehicle accident	23
Divorce	23
Death, all causes	11
Serious (aggravated) assault	9
Death of spouse	9
Robbery	7
Heart disease death	4
Cancer death	2
Rape (women only)	2
Accidental death, all circumstances	0.5
Motor vehicle accident death	0.3
Pneumonia/influenza death	0.3
Suicide	0.2
Injury from fire	0.1
Homicide/legal intervention death	0.1
Death from fire	0.03

These rates are an approximate assessment of your chances of becoming a victim of these events. More precise estimates can be derived by taking account of such factors as age, sex, race, place of residence, and lifestyle. Findings are based on 1979-81 data, but there is little variation in rates from year to year.

*These rates have been standardized to exclude children (those under age 15 to 17, depending on the series). Fire injury/death data are based on the total population, because no age-specific data are available in this series.

Sources: *Current estimates from the National Health Interview Survey, United States, 1981*, Vital and Health Statistics Series 10, no. 141, October 1982; *Advance report of final divorce statistics, 1979*, Monthly Vital Statistics Report, vol. 30, no. 2, supplement, May 29, 1981; *Advance report on final mortality statistics*, Monthly Vital Statistics Report, vol. 31, no. 6 supplement, September 30, 1982, National Center for Health Statistics, U.S. Public Health Service, Washington, D.C. *Preliminary estimates of the population of the United States, by age, sex, and race, 1970 to 1981*, Series P-25, no. 917, U.S. Bureau of Census, Washington, D.C., 1982. "Fire loss in the United States during 1981," Michael J. Karter, Jr., *Fire Journal*, vol. 76, no. 5, National Fire Protection Association, Quincy, Mass., September 1982.

The chance of being a violent crime victim, with or without injury, is greater than that of being hurt in a traffic accident

The rates of some violent crimes are higher than those of some other serious life events. For example, the risk of being the victim of a violent crime is higher than the risk of being affected by divorce, or death from cancer, or injury or death from a fire. Still, a person is much more likely to die from natural causes than as a result of a criminal victimization.

The economy is of greater concern to Colorado citizens than crime

The problems identified by Colorado citizen survey respondents are shown in order of greatest concern:

1. Inflation and high prices
2. Money enough to live right and Crime and lawlessness
3. Operation of the courts
4. Budget deficit
5. Drug abuse
6. War
7. Recession and unemployment
8. Pollution
9. Foreign relations
10. Alcoholism

Source: Division of Criminal Justice (DCJ), Public Opinion Survey, 1984

The most prevalent problems of the elderly are health related

A survey of older persons was conducted by the Denver Regional Council of Governments in eight Denver metropolitan counties in 1984-85 to identify problems older persons had encountered.

Problems encountered	Elderly
Health	38%
Dependencies	14
Financial	10
Emotional	10
Transportation	6
Residence	5
Benefits	3
Safety-crime	3
Legal-redress	3
Other	9

Source: Denver Regional Council of Governments, DRCOG Notes, June 1985

People fear crime in general but think their own neighborhood is safer than other neighborhoods

Public opinion polls show that most people have mixed feelings about their fear of crime. A 1984 survey of Colorado citizens showed that 56% of the respondents feel that crime is a serious problem in Colorado, but only 17% feel that it is a serious problem in their neighborhood. However, most people feel that crime is at least somewhat of a problem in their neighborhood.

Twenty-three percent of Colorado's citizens have limited their activities because of a fear of crime

Almost a fourth of Colorado citizen survey respondents have limited nighttime activities because of fear of crime, and 3% have limited daytime activities because of fear.

One in four Colorado citizens has purchased a gun to protect themselves and their property

Activity	
Installed special locks	56%
Got a dog	34
Joined Operation I.D.	33
Bought a gun	24
Joined Neighborhood Watch	23
Installed bars	8
Installed burglar alarm	7

Source: DCJ Public Opinion Survey, 1984

Relatives, friends and neighbors who hear about a crime become as fearful as the victim

When one household in a neighborhood is affected by a crime, households in the entire neighborhood may feel more vulnerable. Studies have shown that victimization experience does not have as much impact on the victim's attitudes as one might expect.

The risk of victimization depends on a combination of factors

Who are the victims of crime?

- Victims of crime are more often men than women.
- Younger people are much more likely than the elderly to be victims of crime. But the elderly have a greater fear of crime and may restrict their lives in ways that reduce their chances of being victimized.
- Blacks are more likely to be victims of violent crime than whites or members of other racial groups.

- The divorced and the never married are more likely than the married or the widowed to be victims of crime. These differences may result in part because of the age differences of people in various marital-status groups.
- Violent crime rates are higher for lower income people.
- Theft rates are highest for people with low incomes (less than \$10,000 per year) and those with high incomes (more than \$50,000 per year).

- Students and the unemployed are more likely than housewives, retirees, or the employed to be victims of crime.
- Rural residents are less often crime victims than are people living in cities.
- Young black males have the highest violent crime rates; elderly white females have the lowest rates.

Victimization rates per 1,000 persons age 12 and over

	Personal crimes of ...		Personal crimes of ...		Personal crimes of ...	
	violence*	theft*	violence*	theft*	violence*	theft*
Total (U.S.)	31	77				
Sex						
Male	40	83				
Female	23	72				
Age						
12-15	51	126				
16-19	65	119				
20-24	60	119				
25-34	42	88				
35-49	20	73				
50-64	9	44				
65 and over	6	23				
Race and origin						
White	30	77				
Black	41	79				
Other	24	51				
Hispanic	38	74				
Non-Hispanic	31	77				
Marital status						
Never married	55	118				
Divorced/separated	58	103				
Married	17	57				
Widowed	9	28				
Income						
Less than \$7,500	48	70				
\$7,500-\$9,999	31	62				
\$10,000-\$14,999	33	71				
\$15,000-\$24,999	27	77				
\$25,000-\$29,999	30	78				
\$30,000-\$49,999	26	92				
\$50,000 or more	23	105				
Education						
0-4 years	16	21				
5-7 years	35	79				
8 years	27	57				
9-11 years	40	78				
High school graduate	28	66				
1-3 years college	38	98				
College graduate	23	98				
Employment status						
Retired	8	23				
Keeping house	11	37				
Unable to work	18	31				
Employed	33	88				
In school	48	105				
Unemployed	73	95				
Residence						
Central city	43	92				
1,000,000 or more	48	90				
500,000-999,999	48	105				
250,000-499,999	39	85				
50,000-249,999	38	90				
Suburban	29	82				
Rural	22	58				
Race, sex and age summary						
White males						
12-15	63	136				
16-19	85	140				
20-24	80	128				
25-34	50	92				
35-49	24	75				
50-64	12	45				
65 and over	7	26				
White females						
12-15	34	124				
16-19	42	114				
20-24	39	120				
25-34	33	85				
35-49	17	72				
50-64	6	41				
65 and over	5	21				
Black males						
12-15	85	102				
16-19	99	90				
20-24	93	90				
25-34	40	107				
35-49	27	79				
50-64	14	61				
65 and over	12	30				
Black females						
12-15	59	133				
16-19	53	71				
20-24	49	96				
25-34	43	88				
35-49	23	71				
50-64	12	50				
65 and over	1	19				

*Personal crimes of violence include rape, robbery, and assault. Personal crimes of theft include larceny without contact, purse snatching, and pocket picking.

Source: Bureau of Justice Statistics, National Crime Survey, 1983

Who are the victims of violent crime?

- Assault is the most common violent crime.
- Violent crime (except for rape) affects men more than women.
- People with low incomes have the highest violent crime victimization rate.

	Rates per 1,000 persons		
	Robbery	Assault	Rape
Sex			
Male	8	32	*
Female	4	17	1**
Age			
12-15	8	42	1
16-19	12	50	2
20-24	12	47	2
25-34	7	33	1
35-49	4	16	*
50-64	3	6	*
65 and over	3	3	*
Race and origin			
White	5	24	1
Black	13	26	1
Other	7	17	1
Hispanic	11	26	1
Non-Hispanic	6	24	1
Marital status			
Divorced/separated	12	44	2
Never married	11	43	2
Married	3	14	***
Widowed	3	6	*
Income			
Less than \$7,500	11	35	2
\$7,500-\$9,999	8	23	1
\$10,000-\$14,999	7	26	1
\$15,000-\$24,999	5	22	***
\$25,000-\$29,999	5	24	1
\$30,000-\$49,999	4	22	***
\$50,000 or more	4	19	*
Employment status			
Retired	4	4	*
Keeping house	3	8	1
Unable to work	7	11	*
Employed	6	26	1
In school	10	36	3
Unemployed	17	53	3
Residence			
Central city	13	29	1
Suburban	4	25	***
Rural	3	19	1

*Too few cases in the survey sample to obtain statistically reliable data.
 **This rate based on women only, the rate based on the total population is 1.
 ***Less than 0.5 percent

Source: Bureau of Justice Statistics, National Crime Survey, 1983 (Forthcoming)

What kinds of households are the victims of crime?

- Larceny is the most common property crime; motor vehicle theft is the least common.
- Hispanics are more often victims of household crimes than non-Hispanics.
- Household crimes more often affect households headed by younger people.
- Household crime rates are highest for households with six or more people.
- Renters have higher rates than home owners.
- Households in central cities have higher rates than suburban or rural households.

	Rates per 1,000 households		
	Burglary	Household larceny	Motor vehicle theft
Age of household head			
12-19	158	198	39
20-34	90	146	20
35-49	80	120	18
50-64	52	82	12
65 and over	42	48	5
Race or origin of household head			
White	67	103	13
Black	98	119	25
Other	59	114	14
Hispanic	95	127	25
Non-Hispanic	69	104	14
Income			
Less than \$7,500	96	106	12
\$7,500-\$9,999	68	100	11
\$10,000-\$14,999	73	115	13
\$15,000-\$24,999	65	105	16
\$25,000-\$29,999	61	115	17
\$30,000-\$49,999	59	108	17
\$50,000 or more	66	104	20
Number of persons in household			
1	65	69	12
2-3	67	102	14
4-5	79	138	18
6 or more	97	179	19
Form of tenure			
Home owned or being bought	56	91	11
Home rented	94	130	21
Place of residence			
Central city	93	130	23
1,000,000 or more	89	98	36
500,000-999,999	95	143	19
250,000-499,999	106	135	20
50,000-249,999	88	147	13
Outside central city (suburban)	66	102	15
Nonmetropolitan (rural)	54	87	7

What is the relationship between victim and offender?

Most violent crimes except murder are committed by strangers

More than half of all homicides are committed by someone known to the victim. Three of every five of all other violent crimes are committed by strangers.

- Acquaintances commit more than 38% of all homicides and a fourth of all other violent crimes.
- Relatives commit 17% of all homicides but only 7% of other violent crimes.
- Robbery is the violent crime most often committed by strangers (76%) and homicide is the least often committed by strangers (16%).
- Almost half of all assaults are by acquaintances or relatives.
- In 30% of homicides, the relationship between the victim and offender cannot be determined.

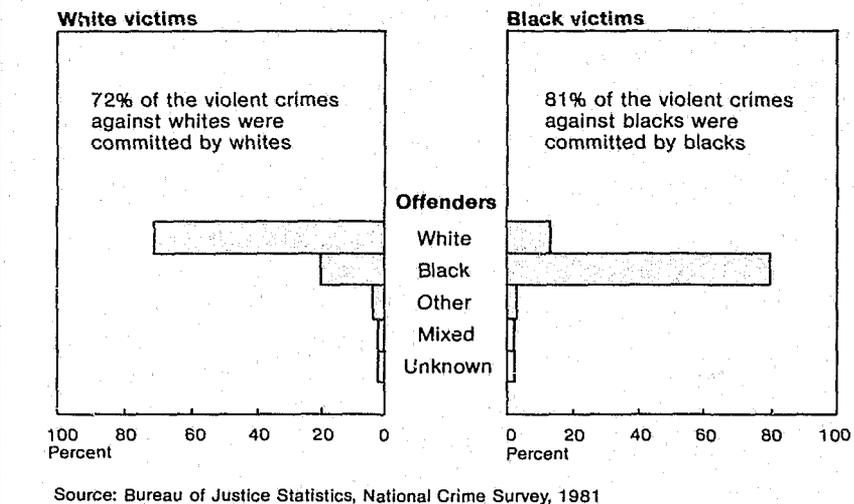
It is widely believed that a very large proportion of crimes committed by relatives are not reported to the police and are not revealed to crime survey interviewers.

Men, blacks, and young people face the greatest risk of violent crime by strangers

During 1973-79, men were victimized by violent strangers at an annual rate almost triple that of women (29 vs. 11 per 1,000). Blacks were more than twice as likely as whites to be robbed by strangers.

The overall chance of becoming a victim of violent crime by strangers decreases with age, but the robbery rate does not drop as much across age groups as do the rates of other violent crimes. For example, persons age 25-34 suffered 4.8 robberies and 7.4 aggravated assaults per 1,000 people, while persons age 65 and older suffered 3.7 robberies but only 0.6 aggravated assaults per 1,000 people.

Victims and offenders are of the same race in 3 out of 4 violent crimes



Women were more vulnerable than men to assault by acquaintances and relatives¹

Two-thirds of all assaults on divorced and separated women were committed by acquaintances and relatives.

Half of all assaults on women who have never been married and 40% of assaults on married women were committed by nonstrangers.

More than half of all assaults on women, but only a third of those on men, were committed by relatives or acquaintances.

Spouses or former spouses committed 5% of the assaults by lone offenders

NCS data show that during 1973-77 95% of all assaults on spouses or ex-spouses were committed by men. In only 5% of such assaults was the offender the wife or ex-wife of the victim.

In almost three-quarters of spouse-on-spouse assaults, the victim was divorced or separated at the time of the incident.

Young offenders did not appear to be singling out the elderly as victims of robbery and assault

During 1973-77, there was little difference between persons age 65 or older and the rest of the population in the rates at which they were robbed or assaulted by youths under age 21.

When people worry about crime they worry most about being injured by strangers

The fear of crime, in general, is the fear of a random, unprovoked attack or robbery by a stranger. In 1967, the President's Commission on Law Enforcement and the Administration of Justice concluded that "... the fear of crimes of violence is not a simple fear of injury or death or even of all crimes of violence, but, at bottom, a fear of strangers."

As measured by the National Crime Survey, an offense by a stranger includes those committed by persons identified by the victim as strangers and by those identified as "known by sight." They do not include crimes committed by acquaintances, friends, family members, or other relatives.

How does crime affect its victims?

Losses from personal and household crime exceeded \$10 billion in 1980

NCS data indicate that in 1980 direct cash and property losses from personal robberies, personal and household larcenies, household burglaries, and privately owned motor vehicle theft approached \$9.5 billion. The amount recovered by insurance or other means was reported to be less than \$3.6 billion. This figure probably underestimates the amount recovered by insurance because the claims of many respondents remained unsettled at the time of the NCS interview. In addition, almost \$600 million worth of damage was done to personal and household property.

UCR data show that reported commercial robberies, non-residential burglaries and shoplifting surpassed \$1 billion in 1980. The overall economic impact of crime is staggering, particularly when it includes such consequences of crime as lost productivity resulting from victims' absence from work, medical care, and the introduction of security measures to discourage victimization.

Computer-related fraud, arson for profit, embezzlement, and a number of types of underground economic activity result in economic losses, but the impact of many such crimes is difficult to measure. Simon and Witte estimated that the total income for the underground economy in 1980 was somewhere between \$170 billion and \$300 billion. The social costs of such activity include lost tax revenues, treatment programs for drug abusers, higher insurance premiums, burned-out neighborhoods resulting from professional arson rings, increased property crime as a means to support drug habits, and increased law enforcement efforts to apprehend smugglers, drug dealers, arsonists, and other offenders. The full cost of operating the criminal justice system is also an indirect cost of crime.

The economic impact of crime hits the poor most heavily

The cost of crime is borne by all segments of society, but to different degrees. NCS data for 1980 show that the dollar loss from crimes involving money, property loss, or destruction of property rises with income.

The average loss from such a crime was about:

- \$180 for victims with a family income of less than \$6,000 a year
- \$340 for those with family incomes of \$25,000 or more.

The burden of such crimes expressed as a proportion of reported family income decreased with increasing family income. In 1980, the relative impact per incident was 5 times greater on families with yearly incomes of less than \$6,000 than for those with incomes of \$25,000 or more. However, this gap has been narrowing in recent years. In 1977, the relative impact was 10 times greater on the low- than on the high-income families. This change may partially result from the movement of individuals or households more prone to victimization into higher income categories because of inflation, but there is also evidence of a significant upward change between 1977 and 1980 in the economic burden of such crimes on all income levels except on family households with incomes of less than \$6,000.

2 million injuries or deaths resulted from violent crimes

Based on UCR data for 1980, an estimated 23,044 people were murdered. In 1984, 178 persons were murdered in Colorado.

NCS data for 1980 show that:

- 2,014,300 injuries resulted from violent crimes other than homicide.
- 30% of all rape, robbery, and assault victims were injured
- 15% of the victims of violent crime required some kind of medical attention; 8% required hospital care.

The relationship of the victim to the offender influences the likelihood of injury

- Victims were more likely to report injury requiring medical attention when the offender was an acquaintance rather than a stranger.
- Victims were more likely to be injured seriously if the assailant was a relative rather than an acquaintance or a stranger.
- The victim's relationship to the offender tended to vary with the type of crime, and this may have some influence on these results. Still, when the effect of victim-offender relationship on injury is examined separately for each of the four violent crime types, injury was consistently less likely to result when the assailant was a stranger rather than an acquaintance or relative. There was also some indication of a greater likelihood of injury when the offender was a relative rather than a stranger or acquaintance. These results may be tempered by the possibility that victims may be reluctant to report victimizations by relatives to an interviewer. Consequently, they may mention only the most serious of such incidents.

Robbery victims run a high risk of injury from unarmed strangers

The National Crime Survey shows that the likelihood that a victim will lose property in a robbery attempt by a stranger is:

- 80% if the robber wields a gun
- 60% if the robber wields a knife
- 54% if the robber is unarmed or threatens the victim with a stick, bottle, club, or other such weapon.

However, the likelihood that a robbery victim will be injured by a stranger is:

- 53% if the robber displays a stick, bottle, or other such weapon
- 34% if the robber is unarmed
- 35% if the robber is armed with a knife
- 17% if the robber is armed with a gun.

How do victims of violent crime protect themselves?

- Rape victims are more likely than other violent crime victims to use force, try a verbal response, or attract attention, and they are less likely than the others to do nothing to protect themselves.
- Robbery victims are the least likely to try to talk themselves out of being victimized and the most likely to do nothing.
- Assault victims are the least likely to attempt some form of nonviolent evasion.
- Compared with simple assault victims, aggravated assault victims are more likely to use a weapon, less likely to try to talk themselves out of the incident, and less likely to do nothing to defend themselves. The fact that weapons are used more frequently by victims of aggravated assault than by victims of any other violent crime leads to the suspicion that some of these victims may have played a part in causing the incident.

Victim response*

Weapons use

Used or brandished gun or knife

Physical force

Used or tried physical force

Verbal response

Threatened, argued, reasoned, etc. with offender

Attracting attention

Tried to get help, attract attention, scare offender away

Nonviolent evasion

Resisted without force, used evasive action

Other

No self-protective actions

Total

Percent of victims who used response by type of crime*

	Rape	Robbery	Assault
Weapons use	1%	2%	2%
Physical force	33	23	23
Verbal response	17	8	13
Attracting attention	15	7	6
Nonviolent evasion	10	11	19
Other	5	4	7
No self-protective actions	19	45	30
Total	100% (873)	100% (5,868)	100% (24,876)

*Victim self-protective responses are listed in the table in order of assertiveness. If victims indicated that they took more than one type of action, only the most assertive action was used in the analysis.

Source: Bureau of Justice Statistics, National Crime Survey, 197-79

Likelihood of injury appears to be related to a victim's self-protective response

More violent victimizations do not result in serious injury. Yet, NCS data for 1973 to 1979 show that some self-protective responses to violent crimes are more likely than others to be associated with serious injury.²

Protective response	Injured
Physical force	16%
Trying to attract attention	14
Doing nothing	12
Talking or non-violent evasive action	6

The NCS provides no information on the sequence of events in a crime incident. Thus, the relatively high association of no self-protection with injury may reflect either passive victims presenting no obstacles to injury or victims who are injured at the start of an incident and who are reluctant to risk further harm by acting in any way. Consequently, the data do not always indicate the

probability of subsequent injury resulting from various self-protective strategies, but they do suggest that some actions may be more dangerous than others.

The pattern of serious injury associated with each of the self-protective measures was consistent for all NCS-measured violent crimes except robbery and simple assault. (Victims of these crimes were less likely than victims of other violent crimes to be injured seriously if they did nothing to protect themselves.) This finding is noteworthy, since each type of violent crime tends to provoke different responses by victims. For example, rape victims are particularly likely to use physical force to repel rapists. This may be an automatic reaction to being grabbed, or it may be a deliberate act intended to be self-protective. In either case, the NCS data indicate that a victim who uses physical force against an offender runs a relatively high risk of serious injury.

These results further suggest that adapting responses to different types of violent crime incidents may not be helpful in avoiding injury. Rape victims took those actions more likely to be tied to injury more frequently than did assault victims, and robbery victims were even more likely to react in this manner. In fact, violent crime victims as a group tended to take the self-defensive actions that were more rather than less closely associated with serious injury. Sixty-two percent of all violent crime victims interviewed by the NCS reported that they took one or more such actions.

Each incident of violent crime has unique features that may affect how victims are able to protect themselves, but the NCS data suggest that the responses of physical force, attracting attention, or deliberate inaction are related to a higher likelihood of injury.

What is the effect of self-protection in sexual assaults?

Sexual assault may include offenses other than rape

A common misunderstanding among the public and throughout the literature is that sexual assault is synonymous with rape. Sexual assault refers to a wider range of offenses such as rape, sexual contact, exhibitionism and lewd verbal suggestions.

Nearly 25% of the victims were younger than 18 years old

A 1981 study of 696 sexual assaults in Denver revealed that about one-fourth of the women assaulted were younger than 18 and half were between 19 and 25 years old.

Sixty percent of the victims were white

Race ethnicity	Victim
White	60%
Black	20
Hispanic	19

About half of the attacks took place in a residence

Location of attack	Percentage
Victim's or assailant's home	50%
Vehicle	25
On street	20
Other	5

Injuries, in addition to the sexual assault, occurred 25% of the time

While about half the women reported the use or threatened use of weapons, only 25% of the women reported injuries in addition to the sexual assault. Injured women more often reported being hurt as a result of the man's fists, feet or teeth being used rather than with any type of weapon. None of the injuries received were life threatening.

Women who resisted their attackers in any way were much less likely to be raped

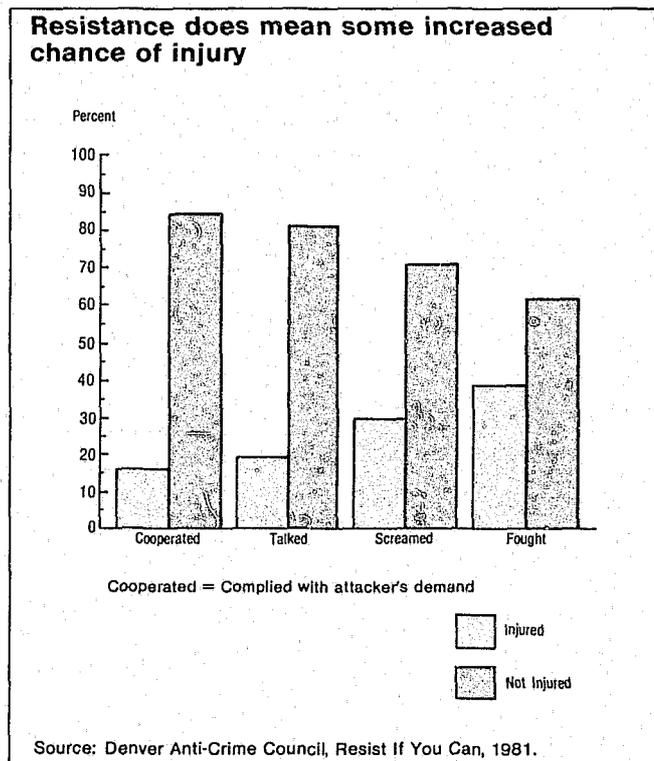
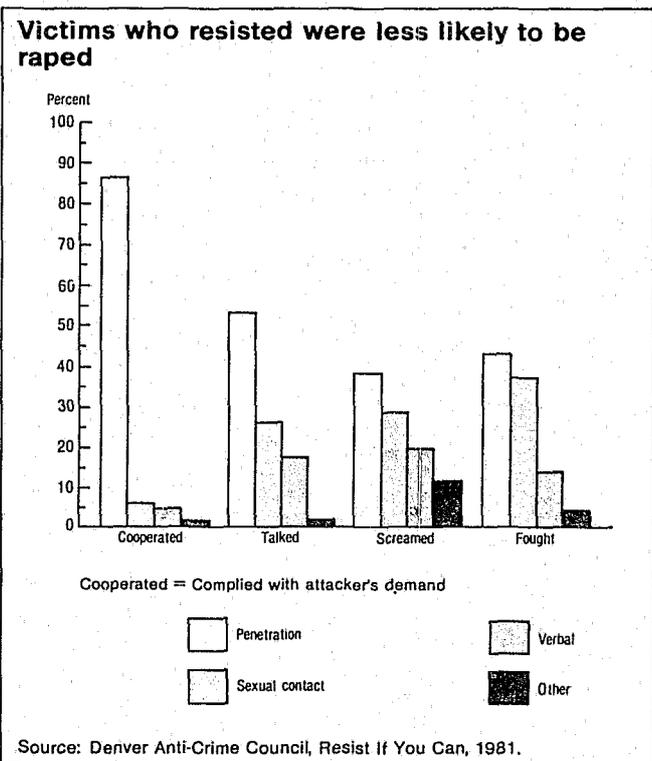
The Denver study revealed that about 55% of the women re-

ported using some type of resistance ranging from talking to screaming to physically fighting back. More than two-thirds who did resist did so by fighting back.

Regardless of the location of the assault, the presence or use of a weapon, or the relationship between the women and the attacker, talking, screaming or fighting reduced the chances of being raped.

A weapon was used in a third of the reported sexual assaults

Women reported weapons being used in 33% of the cases and 15% said the attacker used or threatened to use his fists, feet or teeth in the assault. In over half of the cases no weapon was used.



Most crimes are not reported to the police

Only a third of all crimes are reported to the police

Since 1973, the National Crime Survey has provided yearly findings on the extent to which crimes are reported. The proportion of victims who fail to report crimes has changed little over time.

Reporting rates varied by type of crime and sex and age of victim—but not by race

In 1981, the rate of reporting to the police was higher for:

- Violent crimes than for personal crimes of theft (47% vs 27%)
- Female than for male victims of violent crimes (52% vs. 44%)
- Older than for younger victims.

Whites, blacks, Hispanics and non-Hispanics reported both violent crimes and personal crimes of theft at more or less the same rates.

Reporting rates were higher for motor vehicle theft than for burglary and for household larceny

In 1981, the rates of reporting to the police were:

- 67% for motor vehicle theft
- 51% for household burglary
- 26% for household larceny.

There were only minor differences in the rates at which whites and blacks reported these three household crimes.

The highest income group was more likely than the lowest income group to report household crimes to the police

	Under \$3,000	\$25,000 and over
Household burglary	43%	59%
Household larceny	25	31
Motor vehicle theft	47	71

Source: Bureau of Justice Statistics (BJS) National Crime Survey, 1981

Homeowners were more likely than renters to report household crimes

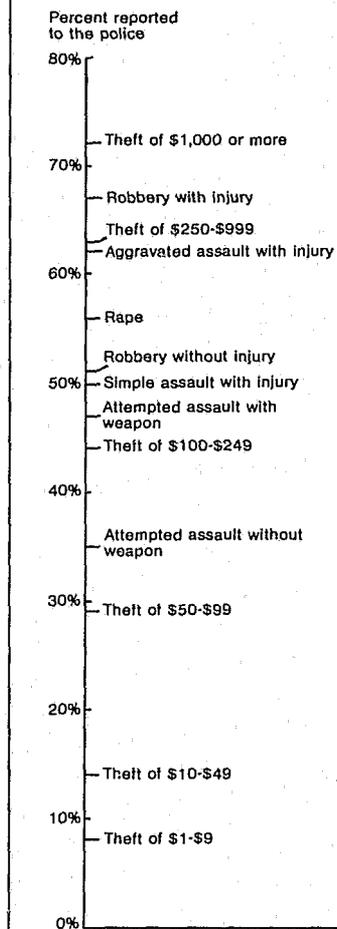
	Owners	Renters
Household burglary	55%	47%
Household larceny	29	25
Motor vehicle theft	72	66

Source: BJS National Crime Survey, 1981

Roughly half of all crimes by strangers and by nonstrangers were reported to the police

NCS data reveal very little difference between the rates of reporting crimes by strangers and by nonstrangers. In 1980, 49% of the crimes by strangers and 44% of the crimes by nonstrangers were reported.

Thefts resulting in large losses and serious violent crimes with injury are most likely to be reported to the police



Source: BJS National Crime Survey, 1981

Many violent crimes were unreported because they were "private matters" and many crimes of theft were "not important enough to report"

Percent of victimizations not reported to the police, by reason for not reporting

	Private/personal matter	Nothing could be done/lack of proof	Not important enough	Reported to someone else	Police wouldn't want to be bothered	Too inconvenient	Fear of reprisal	All other reasons	Not given
Crimes of violence									
Rape	35%	18%	4%	8%	*%	2%	16%	42%	2%
Robbery	15	21	15	9	9	6	7	39	5
Aggravated assault	31	10	22	11	7	3	5	22	4
Simple assault	32	8	30	14	7	2	3	14	3
Crimes of theft									
Burglary	9	23	23	7	10	2	1	44	2
Larceny	8	23	39	3	10	2	1	32	2
Motor Vehicle theft	12	18	16	8	8	3	*	52	1

Note: percents add to more than 100% for each type of crime because some people gave more than one reason for not reporting

*0 or less than 0.5%

Source: BJS National Crime Survey, 1981

What services are available for victims of crime?

Defendants sentenced to probation are required to make restitution to their victims

Colorado statutes provide that all defendants sentenced to probation be required to make restitution to the victim for actual damages sustained. Defendants failing to pay the restitution may have the period of probation extended, may be committed to jail with work release privileges, or may have probation revoked. However, restitution may be waived totally if the court finds that such restitution will work an undue hardship on the defendant or his family.

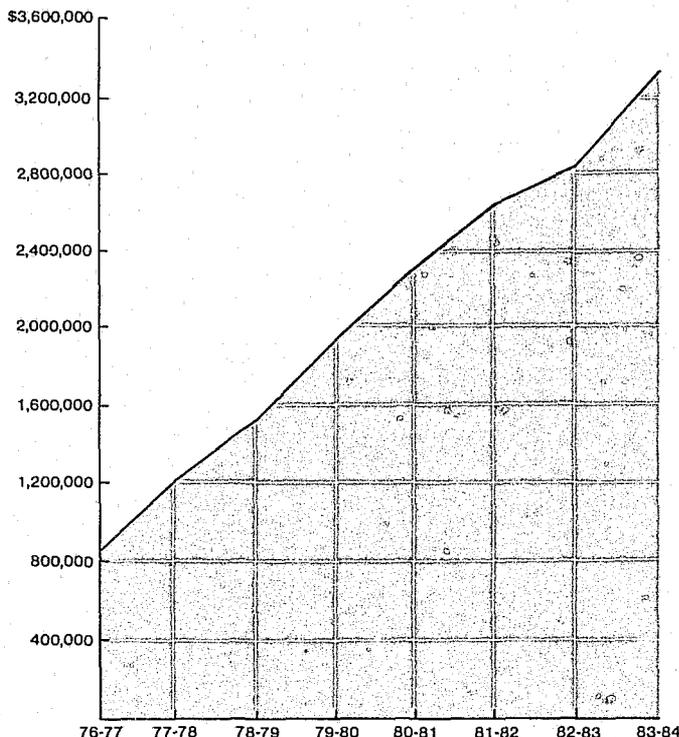
The Department of Corrections is also encouraged by statute to establish programs to provide for restitution to victims of crime by offenders sentenced to the department.

Colorado awarded \$1,309,815 in victim compensation in FY 1983-84

Colorado adopted a Crime Victim Compensation Act in 1981. A person is entitled to an award of compensation if:

- The person is a victim or a dependent or a victim of a successor in interest under the "Colorado Probate Code" of a victim or a compensable crime which was perpetrated on or after July 1, 1982, and which resulted in a loss or the person is a victim of a compensable crime which was perpetrated on or after July 1, 1983, and resulted in property damage.
- The crime was reported to law enforcement officials within 72 hours.
- The applicant cooperated fully with law enforcement officials in the apprehension and prosecution of the assailant.
- The victim and the assailant are not sharing the same household.
- The death of or injury to the victim was not substantially attributable to his wrongful act or substantial provocation of the assailant.
- Application for compensation is filed within one year of the date

\$3.3 million of restitution was paid to victims of crime in FY 1983-84



Source: Colorado Judiciary Annual Report, FY 1983-84

of injury or within six months of the date of property damage.

A compensable crime means an intentional, knowing, reckless or criminally negligent act of a person that results in residential property damage or bodily injury or death of another person or results in loss of or damage to eye glasses, dentures, hearing aids, or other prosthetic or medically necessary devices and which if committed by a person of full legal capacity is punishable as a crime in this state or is a federal offense.

The maximum award is \$10,000.

Applications are made through the district attorney's office

A crime victim compensation board has been created in each judicial district. The boards have three members appointed by the district attorney. Applications are made to the board through the district attorney's office.

Compensation funds are obtained from penalty assessments against convicted offenders

The compensation fund consists primarily of monies paid as an assessment levied on criminal actions resulting in a conviction, deferred judgment and sentence or a delinquency adjudication. The penalty assessments as of April 11, 1985, are:

Felonies	\$75
Misdemeanors	40
Class 1 traffic	35
Class 2 traffic	25
Delinquency	30

Victim and witness assistance programs receive support from 1984 law

A five-member board in each judicial district, appointed by the chief judge, allocates funds under the Assistance to Victims of and Witnesses to Crimes and Aid to Law Enforcement Act. A fund is created by a 37% surcharge on fines imposed for felonies, misdemeanors and class 1 and 2 traffic offenses resulting in a conviction or deferred judgment and sentence.

Eligible programs include the following:

- Services for early crisis intervention
- Telephone lines for victims and witnesses assistance
- Referral of victims to appropriate services
- Education of victims and witnesses about the operation of the criminal justice system
- Assistance in prompt return of victim's property
- Transportation to and from court for elderly or handicapped
- Translator services
- Protection from threats of harm and other forms of intimidation
- Enhancement of equipment, training and personnel for police, sheriffs and district attorney's offices.

The Federal Victims of Crime Act of 1984 will also provide funds for crime victim compensation and victim assistance programs

The Victims of Crime Act of 1984 will provide compensation funds to the states at a rate of \$35 for every \$100 the state pays to victims in compensation other than for property loss. Federal victims assistance funds are also available to provide support to programs serving victims of crime, such as rape crisis, victim witness and shelter programs.

Convicted criminals in Denver have contributed more than \$400,000 to the crime Victims' Compensation Fund

Between July 1981, when the program began, and September 1984, \$385,102 was awarded to 523 victims.

Denver victims needing assistance seldom have insurance protection

Partial insurance coverage:	15%
No insurance coverage	85%

Most Denver victims seeking assistance are victims of assault or rape

Crime	Victims
Assault	52%
Rape/molestation	26
Survivors of murder victims	10
Hit and run/drunken drivers	8
Crimes against elderly	3
Burglary/larceny/theft	1

Source: Denver Department of Safety

82% of the victims who qualify for assistance in Denver receive awards

The three-member compensation board meets monthly to review victims' requests for aid. Requests have increased significantly in the past several years.

Year	Average # of requests per month
1983	23
1984	26
1985 (through June)	60

The board has been forced to award funds only to the most needy and to restrict awards to \$1,500 per person.

Most of the compensation awards pay for medical expenses

Type of expenses claimed	Victims
Health care/medical	59%
Loss of income/child support	28
Burial expenses	11
Repair or replacement of damaged property (doors, windows, locks)	2

Source: Denver Department of Safety

Basic sources

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Simon, Carl P., Ann D. Witte, et al, *Beating the system: The underground economy* (Boston: Auburn House Publishing Company, 1982).

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Vital statistics of the United States (annual), National Center for Health Statistics, Public Health Service, U.S. Department of Health and Human Services.

The reactions to crime project, executive summary, National Institute of Justice, U.S. Department of Justice, May 1982.

Notes

¹It is widely believed that crimes by relatives and close acquaintances are under-reported in the survey. For this reason, the number of crimes committed by non-strangers may be somewhat understated, and the proportion of crimes committed by strangers may be somewhat overstated.

²Injury requiring medical attention was chosen as the indicator for serious injury. This variable was judged to be a better summary of serious injury than a straightforward summary of reported injury, as the latter would include minor bruises, cuts and scratches. Also, the NCS records information on medical attention only for those victims who actually report an injury and thus excludes many visits to doctors or hospitals that are purely cautionary.

Analyses were performed that controlled for other possible influences on the likelihood of injury including:

- Type of crime
- Relationship of victim to offender
- Number of offenders
- Age and sex of victims
- Types of weapons carried by offenders.

When these factors were controlled, the relationship of serious injury to self-protective action still held true, indicating that overall these findings cannot be accounted for by a number of other possible explanations.

Chapter III

The offender

This chapter profiles arrestees and offenders with data that address such questions as:

How do we know who commits crime? What do we know about the offender? How many offenders are there?

Who is the "typical" offender? How are offenders and victims similar? How are they different?

What crimes are committed by offenders?

What are the characteristics of career criminals? How much crime do they account for?

How long are most criminal careers?

To what extent do blacks, Hispanics, and other ethnic groups participate in crime?

What are the family, economic and educational backgrounds of jail and prison inmates?

What is the role of drugs and alcohol in offenders' lives? How does drug and alcohol use by offenders differ from that of the general population?

Who commits crime and why?

There are no definitive answers to the why of crime

The question of *who* and *why* are often confused. We know, for example, that offenders are typically young, urban males, economically and educationally disadvantaged, disproportionately black as to the proportion of blacks in the population, and frequently products of unstable homes. Many people think that such characteristics are the causes of crime. Yet none of these characteristics can rightfully be described as a cause of crime; most persons in these categories are law-abiding citizens.

Numerous explanations for why people commit crimes have been propounded

Historically, the causes of criminal behavior have included explanations ranging from the influences of evil spirits to the abnormal shape of the skull. Contemporary theories for the causes of crime still abound but can be grouped into three general explanations:

- The sociogenic—focuses on the environment's effect on the individual and places responsibility for crime on society.¹ It identifies as the causes of crime such factors as poverty, ignorance, high unemployment, inadequate housing and poor health. To these general environmental factors, it adds the impact of unstable homes, viewing their consequent discord, absence of affection and consistent discipline, and improper moral instruction as especially contributory to juvenile delinquency and youth crime. However, recent research has shown that these factors do not account for long-term fluctuations in crime.² Moreover, these factors cannot explain why under certain circumstances, one individual commits a crime and another does not.
- The psychogenic—focuses on psychological factors and understands crime to be the result of an individual's propensity and inducement toward crime.³ Propensity toward crime is deter-

mined by the individual's ability to conceptualize right and wrong, to manage impulses and postpone present gratifications, and to anticipate and take account of consequences that lie in the future as well as by the individual's fondness of risk and willingness to inflict injury on others. Inducement relates to situational factors such as access and opportunity that may provide the individual with the necessary incentives to commit a crime. Under this explanation, while many environmental factors contribute to an individual's propensity to commit crime, the individual is responsible for his behavior.

- The biogenic—focuses on biological functions and processes and relates human behavior, specifically criminal behavior, to such biological variables as brain tumors and other disorders of the limbic system, endocrine abnormalities, neurological dysfunction produced by prenatal and postnatal experiences of infants, and chromosomal abnormalities (the XYY chromosomal pattern).⁴

How do we know who commits crime?

Three major sources provide information about offenders:

- Studies of groups of persons in the general population
- Interviews with victims
- Records of persons who come into contact with the criminal justice system.

Studies of the general population typically focus on a birth cohort (a group of persons born in the same year). Several large studies of this kind have been the richest source of information about the characteristics of juvenile offenders. Such studies observe the group over a number of years and note characteristics that are more commonly shared by offenders than by nonoffenders.

Much information can sometimes be obtained from crime victims. For example, victims of robbery, assault, or rape are often able to describe the age, sex, and race of their assailants in interviews

conducted for the National Crime Survey.

Official records and survey data provide much information about persons who come into contact with the criminal justice system through arrest, juvenile detention, or incarceration in jail or prison. Some offender characteristics such as psychological profiles which are difficult to measure are not included.

What we know about criminals refers mainly to "street criminals" and to repeat offenders

A very large number of the persons who come into contact with the criminal justice system are offenders who commit crimes that are readily detectable and for which they are more likely to be arrested, convicted and sentenced to jail or prison. As a result, the proportion of "street criminals" is probably overrepresented in offender statistics in relation to the proportion of offenses committed by white-collar criminals, whose crimes are less readily detected and who may be less likely to be incarcerated once convicted.

Moreover, national arrest data are complicated by the repeated appearance of a small number of persons. Those who enter jail and, even more so, prisons, are more representative of repeaters than of the criminal population in general. Thus, the profile of offenders that emerges is largely that of the repeat and serious offender.

How many offenders are there?

The most conservative estimates suggest that:

- 36 to 40 million persons—16-18% of the total U.S. population—have arrest records for nontraffic offenses.
- The proportions of offenders who are male and nonwhite (blacks and other races) are considerably higher than their proportions in the general population.

Who is the "typical" offender?

Most crimes are committed by men, especially young men

Almost half of all persons arrested for index crimes in Colorado were youths under age 20 and three-fourths were males. A higher proportion of blacks and Hispanics are found in the offender population than in the general population. Both blacks and Hispanics are arrested for a larger proportion of violent crimes than of property crimes.

Few offenders entering the criminal justice system in Colorado are serious or violent offenders.

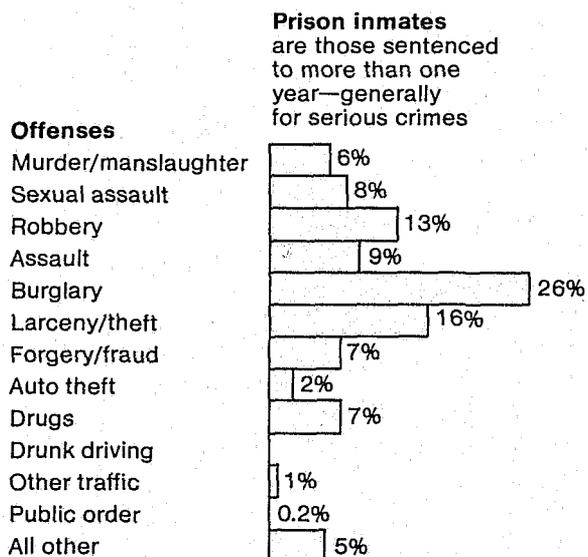
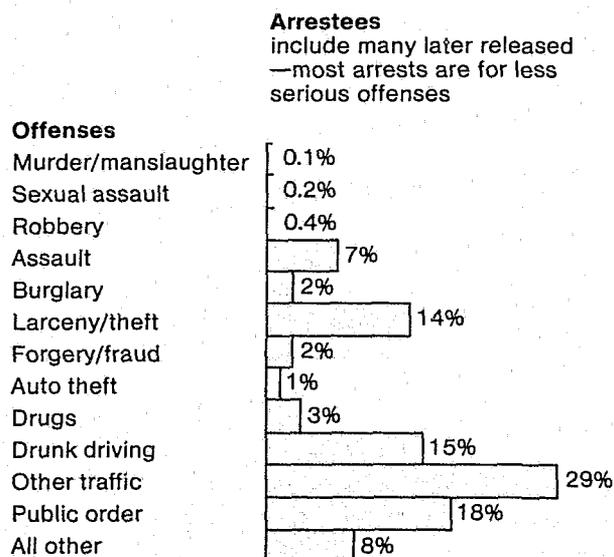
Only 27% of the persons arrested in Colorado are arrested for a UCR Index Crime. Less than 8% of the total arrests are for violent crimes. Approximately 44% of the arrests are for traffic related offenses, including driving under the influence. In contrast, 87% of the prison population was convicted of a UCR Index Crime. More than a fourth were convicted of burglary, usually with a prior criminal record.

What are the characteristics of offenders?

	Colorado Population	Index Crime Violent	Arrestees Property	County Jail Admissions	State Prison Admissions
	2,888,834	5,809	38,737	120,468	1,798
Sex					
Male	50%	90%	71%	90%	97%
Female	50	10	29	10	3
Race					
White	89	80	85	82	77
Black	4	18	13	16	21
Other	7	2	2	2	2
Ethnic origin					
Hispanic	12	25	22	22	25
Non-hispanic	88	75	78	78	75
Age					
Under 15	23	7	20	1	0
15-19	9	21	32	10	9
20-29	21	41	28	51	55
30-39	16	21	12	25	25
40-49	10	7	5		8
50-59	9	3	3	14	2
60+	12	1	2		1

Sources: Colorado Division of Local Government, Colorado Population Report, 1980
 Colorado Bureau of Investigation (CBI), Crime in Colorado, 1984
 Division of Criminal Justice, Colorado Jails, 1982
 Department of Corrections Annual Statistical Report, FY 1982-83

For what mix of offenses are people arrested and imprisoned?



Sources: CBI, Crime in Colorado, 1984
 Colorado Department of Corrections Annual Statistical Report, FY 1982-83

A small group of career criminals commits the vast majority of crimes

Relatively few offenders are career criminals

Many studies have shown that only a small group of any criminal subset are repeat offenders. The Wolfgang Philadelphia studies found that for males born in 1958, 23% of those with one or more arrests could be defined as chronic offenders (that is, they had five or more non-traffic arrests by age 18). This relatively small proportion contrasts with the following proportions of males and females in the study who had no arrests or fewer than five arrests:

	Males	Females
Never arrested	67%	86%
Arrested only once	14	8
Arrested 2-4 times	11	5
Arrested 5 or more times	7	1

The proportion of chronic offenders was higher for nonwhite males (11%) than for white males (4%) and for nonwhite females (2%) than for white females (1%).

Probability of arrest increases with each subsequent arrest

Long-term studies show that once a person is arrested, the likelihood of further arrest increases with each subsequent arrest. Wolfgang's Philadelphia data revealed the following probabilities of rearrest for young men:

- 33% of the entire group had one arrest.
 - 53% of those with one arrest went on to a second arrest.
 - 62% of those with two arrests went on to a third.
 - 71% of those with three arrests went on to a fourth.
- Once a youth had gotten beyond the third crime, the likelihood of further criminality remained at about 71%.

Career criminals, though few in number, account for most crime

Even though chronic repeat offenders (those with five or more arrests by age 18) make up a relatively small proportion of all

offenders, they commit a very high proportion of all crimes. The evidence includes data for juveniles and adults, males and females and for urban and rural areas. In Wolfgang's Philadelphia study, chronic offenders accounted for 23% of all male offenders in the study, but they had committed 61% of all the crimes. Of all crimes by all members of the group studied, chronic offenders committed:

- 61% of all homicides
- 76% of all rapes
- 73% of all robberies
- 65% of all aggravated assaults.

Prior criminal behavior is one of the best predictors of future criminality

Age at first contact with police (arrest or otherwise) is also very important. Research shows that youths whose first police contact was in their early teens had a greater number of future police contacts than those whose first contact was later.

Up to two-thirds of the persons charged with a felony in district court in Colorado had at least one prior arrest*

Almost 72% of the persons charged with a felony in district court in Colorado in 1983 to mid 1984 had at least one prior arrest.

	Prior arrests	
	Violent	Nonviolent
Juvenile arrest	7%	28%
Adult arrest	25	65
Juvenile and adult arrest	28	70

Source: Division of Criminal Justice (DCJ), Court Database, 1983/1984

Approximately 24% of the defendants had more than 5 prior arrests*

Number of prior arrests	Percent of defendants
None	28%
1	16
2-3	20
4-5	12
6-7	8
8-10	9
11-15	6
15 or more	1

Source: DCJ, Court Database, 1983/1984

Less than a fifth of the defendants in district court had served time in prison for a previous offense

Approximately 10% of all the defendants had served one term for a previous charge, 9% for 2 to 4 terms and less than 1% had served 5 or more terms.

Few Colorado prison inmates are first time offenders

Criminal history	Percent of inmates
Juvenile arrest	53%
Adult arrest	85
Felony conviction	66
Probation	34
Jail term	39
Prison term	48

Source: DCJ, Prison Inmate Database, 1984

A much smaller group of inmates has very extensive arrest records

Prior arrests	Percent of inmates
None	9%
1-5	36
5-10	23
11-20	21
21-30	8
30 or more	4

Source: DCJ, Prison Inmate Database, 1984

Chronic violent offenders start out and remain violent

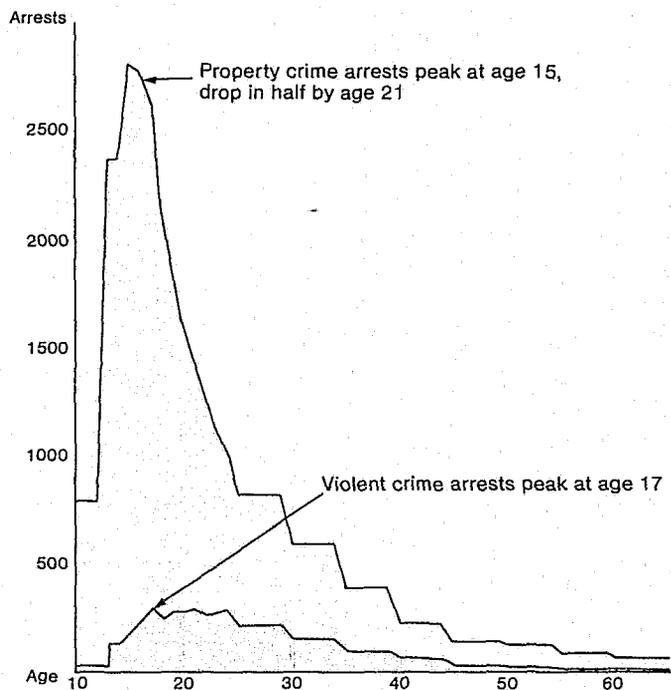
Violent offenders typically begin their criminal careers by committing violent crimes as juveniles. The 1958 Wolfgang Philadelphia study, for example, shows a high probability of violent recidivism. That is, the more injury-offenses the youths committed, the more likely they were to commit further injury offenses. For males:

- 26% of the entire group had one violent offense
- 34% of this group went on to a second violent offense
- 43% of the three-time violent offenders went on to a fourth violent offense.

*Prior arrest data were missing in over 40 percent of the cases. Because these were likely to be first offender cases, these figures overestimate prior arrests.

Participation in crime declines with age

Serious crime arrests are highest in young age groups



Source: Colorado Bureau of Investigation, Crime in Colorado, 1984

Young offenders are more likely to be involved in property crimes

Approximately 58% of all those arrested for UCR Index property crimes are under 20 years of age, but only 28% of those arrested for violent crimes are under 20.

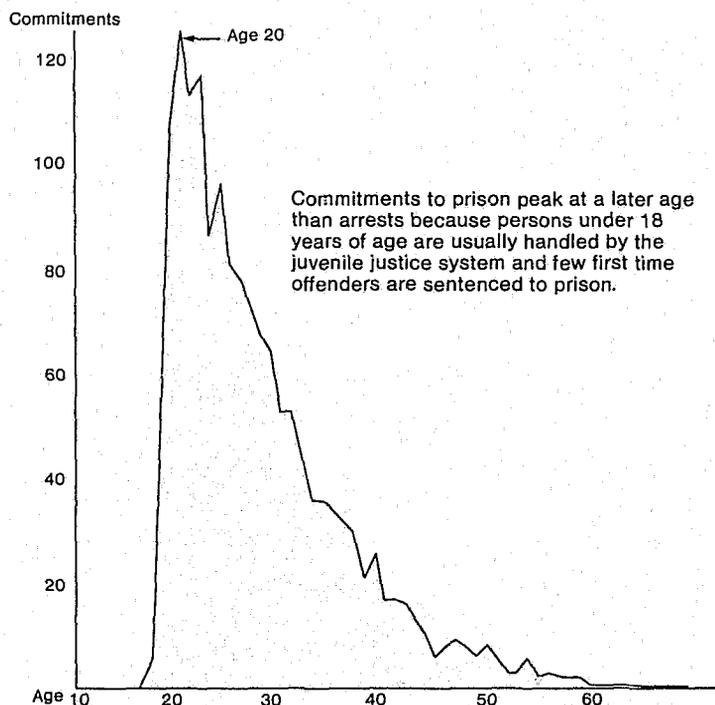
Participation in violent crime peaks at a later age and does not drop as quickly with age as property crime

The highest proportion of those arrested for violent offenses are in the 20-29 year-old-age group. Since most offenders sentenced to prison are either violent or repeat offenders, this is the age group most likely to be sent to prison. Approximately 55% of the people sentenced to prison were between 20 and 29 years old.

Participation in crime declines with age

Except for a minority of offenders, the intensity of criminal activity slackens, perhaps beginning after the mid-20's. When repeat offenders are apprehended, they serve increasingly longer sentences, thus incapacitating them for long periods as they grow older. In addition, a study of habitual offenders by the Rand Corporation shows that the success of habitual offenders in avoiding apprehension declined as their criminal careers progressed. Even though offense rates declined over time, the probability of arrest, conviction and incarceration per offense all tended to increase.

Commitments to prison follow a pattern similar to arrests but peak at an older age



Note: Commitments by age are based on a three-year average.

Source: Department of Corrections Annual Statistical Reports, FY 1980-81, 1981-82, 1982-83

A relatively large proportion of offenders come from minority groups

A disproportionately high number of victims and criminals were black

Blacks were victimized by crime, especially violent crime, at a higher rate than whites. Black males sustained the highest victimization rate of any race/sex group, largely because of their vulnerability to robbery.

Blacks who constitute only 4% of Colorado's population accounted for:

- 22% of all arrests in 1984
- 14% of all UCR Index Crime arrests
- 18% of all arrests for violent crimes
- 16% of admissions to county jails
- 21% of prison population

Black arrest rates were higher for violent crime than for property crime

During 1984, 14% of all index crime arrests in Colorado involved blacks. The arrest rate of blacks was higher for violent crime than for property crimes.

	Whites	Blacks
All Index Crimes	84%	14%
Violent crimes	80	18
Murder	74	24
Rape	76	23
Robbery	71	27
Assault	83	15
Property crimes	85	13
Burglary	86	13
Larceny-theft	85	13
Motor-vehicle theft	84	14

Source: Colorado Bureau of Investigation (CBI), UCR data, 1984

Victim reports confirm pattern of arrest by age

The pattern of racial involvement in arrests shown in police records closely parallels that reported by victims of crime in the National Crime Survey. About 40% of the persons arrested nationally for robbery in 1979 were black males age 18 or older. Victim reports for the same year suggested that 44% of all robbers were black males age 18 or older.

The proportion of black state prisoners in the South is most consistent with their share of the U.S. population

	Blacks as a percent of prison population	Blacks as a percent of U.S. population	Ratio of prison proportion to U.S. proportion
United States	47%	12%	4 to 1
Northeast	50	10	5 to 1
North Central	47	9	5 to 1
South	53	19	3 to 1
West	25	5	5 to 1

Source: Prisoners in State and Federal Institutions on December 31, 1981

A national study of the criminal justice system in 3 states found racial disparities in release-after-arrest rates, sentencing and time served

The Rand study found that minorities do not have a higher probability of arrest in relation to the kind and amount of crime they actually commit. However, minority suspects were more likely than whites to be released after arrest. Prior research indicates that prosecutors have greater problems making cases involving minorities "stick" because victims often have difficulty identifying minority suspects. Also, minority victims and witnesses often refuse or fail to cooperate after an arrest is made. Release rates may also be affected by the fact that police more often arrest white suspects "on warrant" which requires that evidentiary criteria be met before a warrant is issued.

The study also found that minorities receive harsher sentences and serve more time in prison, other things being equal. Some of the disparity may be explained by the fact that plea bargaining resolves a higher percentage of felony cases involving white defendants, whereas jury trials resolve a higher proportion of cases involving minorities. Although plea bargaining insures conviction, it also guarantees a reduced charge or lighter sen-

tence. Another factor may be the fact that the judges and parole boards rely heavily on the presentence investigation reports which contain social information, such as past employment. These factors are often used to assess the probability that an offender will return to crime.

Lifetime probability of incarceration is three times higher for blacks

Nationally, the likelihood that any adult male will have served time in a juvenile or adult jail or prison by age 64 is estimated to be 18% for blacks and 3% for whites.⁵ However, after the first confinement, the likelihood of further commitments is similar for white and black males. About a third of each group who have ever been confined will have experienced four confinements by age 64.

Hispanics account for a larger proportion of arrests than their percentage of the total population in Colorado

More than 339,000 Hispanics make up 12% of Colorado's population. Hispanics in Colorado account for:

- At least 25% of all arrests for violent crimes
- 22% of all arrest for index property crimes
- 22% of jail admissions
- 25% of prison population.

How many offenders are female?

Relatively few offenders are female

	Females in group
All arrests (adults and juveniles)	26%
Index crime arrest	27
Violent crime arrests	10
Property crime arrests	29
Larceny	34
Nonlarceny	9
Admission to correctional facilities	
Detention centers (juvenile)	19
Institutions (juveniles)	3
County jails	10
State prisons	5

Sources: CBI, Crime in Colorado, 1984
 DCJ, Juvenile Justice and Delinquency Prevention Plan, 1984
 Department of Corrections, Summary of Sentenced Population Movement, 1984

Offense patterns differ for males and females

Men commit more crimes and are arrested for the more serious crimes. Arrest, jail and prison data all suggest that women have a stronger relative involvement than men in property crimes such as larceny, forgery, fraud and embezzlement and in drug offenses. Men are more likely than women to be involved in robbery or burglary.

These offense patterns also are reflected in the offenses for which males and females are sentenced to prison.

Offense	Females	Males
violent crimes	25%	39%
Murder/ manslaughter	9%	6%
Sexual assault	1	7
Robbery	5	16
Assault	4	8
Other violent	6	2
nonviolent crimes	75%	61%
Burglary	7	29
Theft	17	16
Forgery/fraud	20	5
Drug offenses	10	5
Attempt, conspiracy, accessory	17	1
All other	4	5

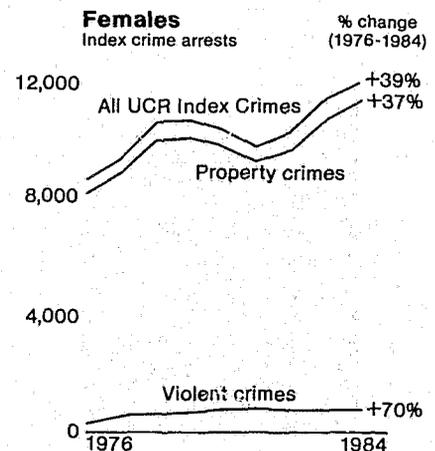
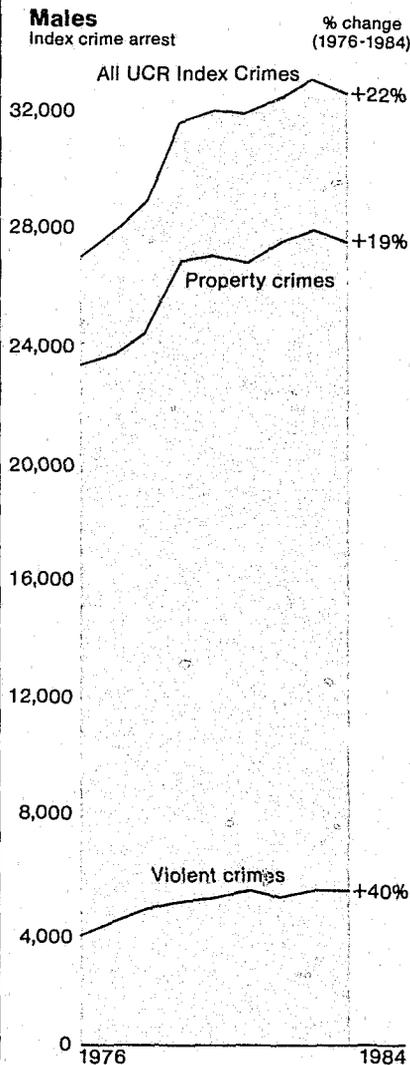
Sources: Prison Overcrowding Project, Information on CWCF Inmates and Rand Studies of Habitual Offenders, 1982
 Department of Corrections Annual Statistical Report, FY 1980-81 and FY 1981-82

While most arrests are of males, the share of arrests that are of females is highest for larceny-theft

UCR Index Crimes	Males	Females
Murder	85%	15%
Rape	99%	
Robbery	95%	5%
Aggravated assault	89%	11%
Burglary	92%	8%
Larceny-theft	66%	34%
Motor vehicle theft	89%	11%
Arson	85%	15%

Source: Colorado Bureau of Investigation (CBI), Crime in Colorado, 1984

For UCR Index Crimes, arrests of females are much lower than of males, but have risen faster



Source: CBI, Crime in Colorado, 1976-1984

Many offenders have backgrounds that include a turbulent home life, lack of family ties, poor education and unemployment

Knowing about offenders' backgrounds tells us about their lives, not necessarily why they committed crime

While turbulent home life, lack of family ties, and poor education are frequently present in the backgrounds of offenders, these factors may or may not contribute to crime. Some theories suggest that some of these factors are symptoms of maladjustment as is criminal behavior. Clearly, most persons who share these factors in their backgrounds are not criminals.

A high number of offenders come from unstable homes

Research shows a higher incidence of unstable homes among delinquents than among non-delinquents. State prison inmates were more likely than not to have grown up in a home with only one parent present or to have been raised by relatives. Forty-seven percent of all inmates grew up in a two-parent household; in contrast, 77% of all children under age 18 in 1979 were living with two-parent families.

Because criminal careers typically begin at a young age, the identification of characteristics that distinguish delinquents from non-delinquents has been given considerable attention and has focused largely on what researchers term "under the roof culture"—the interactions of love, discipline, and supervision that occur between parents and children in the home.⁶

Violent behavior is linked to abuse as children and to neurological abnormalities

Violent behavior and physical and psychological abnormalities often appear among children and adolescents subjected to extreme abuse and violence in their families. Lewis and others in a study comparing an extremely violent group of delinquent boys with a group of less violent delinquent boys found striking psychological and neurological

differences between the two groups. The more violent group exhibited a wide range of neurological abnormalities, were significantly more likely to have paranoid symptoms and were more likely to have suffered and to have witnessed physical abuse. They also had far more severe verbal deficiencies.

Few offenders are married

Half of the felony offenders filed on in district court in Colorado are single, 23% are separated or divorced and 1% are widowed. Only 26% are married. The marital status of prison inmates is similar, with a slightly higher proportion of inmates either married or separated and divorced. The higher percentage of inmates who are currently married or who were married at one time is probably explained by the fact that the inmate population is somewhat older.

Marital status	Prison inmates
Single	41%
Married	18
Common law	13
Separated	6
Divorced	20
Widowed	2

Source: Division of Criminal Justice (DCJ), Court Database, 1983/1984 and Prison Inmate Database, 1984

Many felony offenders have not completed high school

Last grade completed	Felony offenders
Sixth or under	2%
Seventh	2
Eighth	3
Ninth	9
Tenth	13
Eleventh	14
High School	34
Some college	19
College degree	3
Some graduate school	*
Graduate degree	1

*Less than 0.5%

Source: DCJ Court Database, 1983/1984

Less than half of Colorado's prison population has a high school education

Forty-nine percent of the prison inmates had a high school education or had a GED certificate. The percent of high school graduates in Colorado's population is 79%.

Unemployment is very high among offenders

Fifty-two percent of the felony offenders filed on in district court in Colorado in 1983 to mid 1984 were unemployed at the time of arrest. The unemployment rate for the state was less than 6% during that time.

Most offenders who do work, work at unskilled or blue collar jobs

Type of work	Felony offenders
No work experience	25%
Odd jobs	7
Unskilled	18
Migrant	*
Blue collar	34
White collar	12
Professional	2
Military	3

*Less than 0.5%

Source: DCJ Court Database, 1983/1984

Prison inmates were likely to have relatives who served time

Nationally, 40% of prison inmates had an immediate family member (father, mother, brother, sister) who had served time in jail or prison. Similar data are not available for noncriminals, but it is highly unlikely that the proportion is as high.

Drug and alcohol abuse is common among offenders

The drug abuse-crime link is complex

Research on the link between crime and drug abuse has yielded what often appear to be conflicting conclusions.

The Rand career criminal study found that, among felons, drug abusers committed *more* burglaries, con-type crimes, and drug sales than burglars, con-men and drug dealers who did not use drugs. For other crimes, there were no appreciable differences between drug users and non-drug users in the number of crimes committed.

A 1979 survey of state prisoners found that among violent criminals, robbers made up a relatively high proportion (38%) of inmates who said they had been under the influence of drugs. Most of these said they had been under the influence of marijuana.

Ball's study of Baltimore addicts showed that drug users committed an enormous *number* of crimes, mainly theft and drug dealing, and that, on the average, the typical addict committed a

crime every other day. However, other research shows that most heroin-addicted criminals were involved in crime *before* they became addicted and that traditional income sources, rather than street crimes, are the *major* source of support for the drug habit.⁷

The most commonly used drug in Colorado is marijuana

Substance	General population use in the last year
Marijuana	15%
Tranquilizers	11
Non-narcotic analgesics	8
Codeine tablets	7
Amphetamines	6
Cocaine	6
Codeine syrup	5
Synthetic opiates	3
Psychedelics	2
Barbituates	2
Peyote, mescaline	2
PCP	1
Psychostimulants	1
Morphine	1
Inhalants	1
Heroin	*

*Approximately 0.2%

Source: Alcohol and Drug Abuse Division, ADAD State Plan, FY 1985-86

An estimated 10% of Colorado's population has alcohol abuse problems and 8% has drug abuse problems

At least 60% of the people arrested had been drinking when they were arrested

A study of pretrial admissions to Colorado jails showed that in those jurisdictions which record alcohol use, 60% of the people arrested had been drinking prior to arrest.

More than 26% of the inmates in Colorado's prisons had used heroin and/or barbituates in the 2 years prior to incarceration

This compares with general population usage of just over 0.2% in a one-year period. More than 9% of the prison inmates had sniffed glue, 44% had used narcotics and 29% had used hallucinogens at some time in their lives. Many were using these drugs on a regular or daily basis prior to incarceration.

Prisoners with substance abuse problems began using drugs at an early age and had early involvement with the justice system

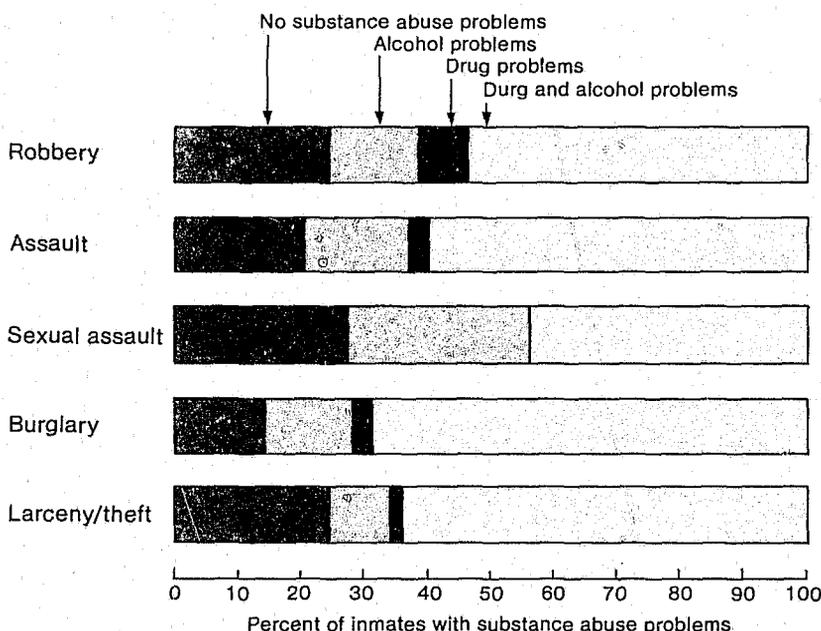
Substance Abuse	Drug user before age 16	Juvenile felony arrest
None	5	35%
Alcohol	9	46
Drug	64	69
Both	41	67

Source: DCJ, Prison Inmate Database, 1984

Approximately 65% of parole revocations are the results of alcohol related parole violations

Thirty-two percent of paroled inmates are returned to prison. Of these, 65% are returned for alcohol related parole violations.

Many offenders have both drug and alcohol problems



Source: Division of Criminal Justice (DCJ), Prison Inmate Database, 1984

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³Edward C. Banfield, *The unheavenly city revisited* (Boston: Little, Brown, and Co., 1974).

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⁶E. and S. Glueck, *Family environment and delinquency* (Boston: Houghton Mifflin, 1962).

⁷S. Gettinger, *Addicts and crime*, *Police Magazine* (1979) 2(6):35.

The response to crime

This chapter gives an overview of the criminal justice system. It not only examines the criminal justice process and institutions but also the philosophical base and legal mandates of our system of justice. It contains data and research findings that quantify crucial actions at four key stages of the criminal justice process:

- Entry into the system
- Prosecution and pretrial services
- Adjudication
- Sentencing and corrections.

The data presented answer such questions as:

How does the criminal justice system process cases? What is discretion and how is it exercised in the handling of criminal cases?

How does police strength in your county compare to that of other counties? What is the relationship between police strength and crime?

How many people were arrested in a typical year? For what offenses are they arrested?

What impact does delay in victim reporting have on arrest?

What percentage of crimes result in an arrest?

What is the role of the prosecutor?

How many arrests result in prosecution? How many prosecutions result in convictions?

What is the role of the public defender? How are defense services for indigents provided in your state?

How are the federal and state courts organized? To what extent do the various courts interact?

What are the defendants' rights?

How many cases brought by the prosecutor result in guilty pleas? How many result in guilty verdicts? How often are cases tried before a jury?

How long does it take for a criminal case to move through the criminal justice system?

How does the criminal justice system handle insanity pleas?

What kind of job does the public feel the criminal justice system is doing?

How much discretion do judges have?

How many people are under correctional supervision? How do sentence lengths differ from actual time served?

Are correctional populations increasing? How many prisoners are confined in state and federal institutions?

In what types of facilities are prisoners held?

How many offenders are arrested for another crime?

Section 1. An overview

The response to crime is a complex process that involves many agencies, levels and branches of government

The response to crime is primarily provided by government through the criminal justice system

A loose confederation of agencies at all levels of government together provides the means by which we apprehend, try and punish offenders. Our American system of justice has evolved from the English common law into a complex series of procedures and decisions. There is no single criminal justice system in this country; rather there are many systems that, while similar, are individually unique.

Criminal cases may be handled differently in different jurisdictions, but court decisions based on the due-process guarantees of the U.S. Constitution require that specific steps be taken in the administration of criminal justice.

The following description of the criminal and juvenile justice systems portrays the most common sequence of events in the response to serious criminal behavior.

Entry into the system

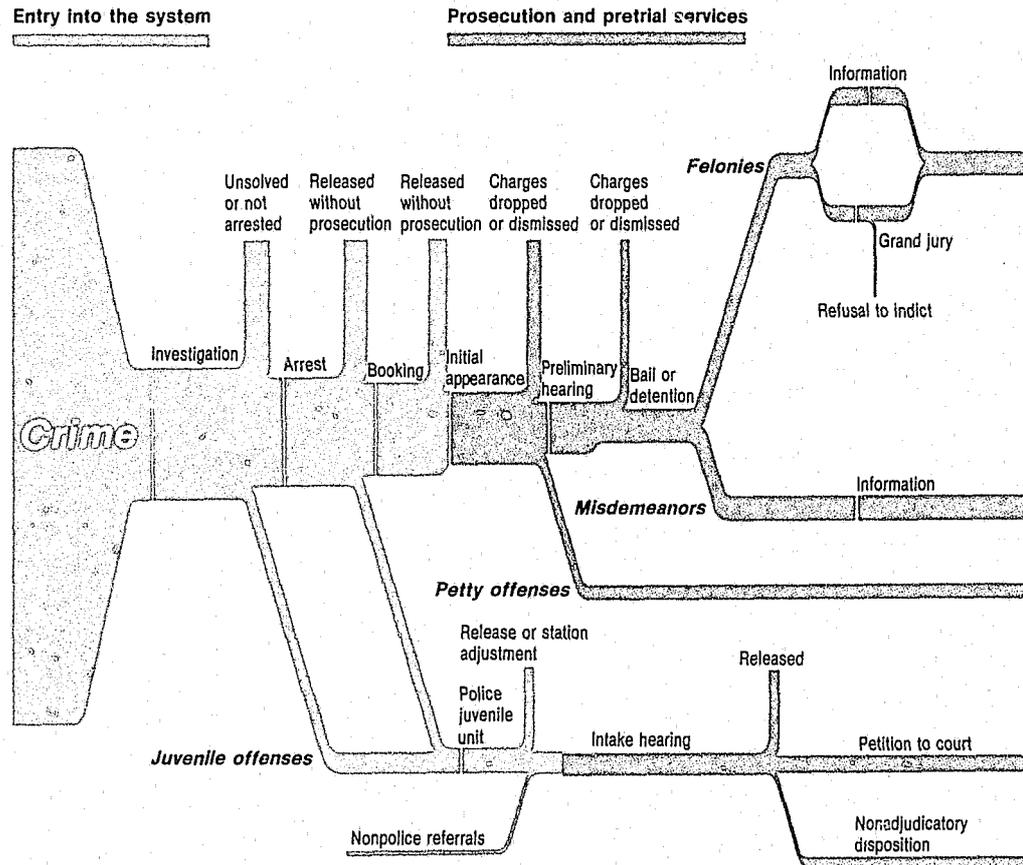
Most crime is not responded to by the justice system because it has not been discovered or reported (see Chapter II). Law enforcement agencies usually learn about crime from the reports of citizens, discovery by a police officer in the field, or from investigative and intelligence work.

Once a law enforcement agency has established that a crime has been committed, a suspect must be identified and apprehended for the case to proceed through the system. Sometimes, a suspect is apprehended at the scene; however, identification of a suspect often requires an extensive investigation. Very often, no one is identified or apprehended.

Prosecution and pretrial services

After an arrest, law enforcement agencies present information

What is the sequence of events in the criminal justice system?



Note: This chart gives a simplified view of caseload through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show the actual size of caseloads.

about the case and about the accused to the prosecutor who will decide if formal charges will be filed with the court. If no charges are filed, the accused must be released. The prosecutor also can drop charges after making efforts to prosecute (*nolle prosequi*).

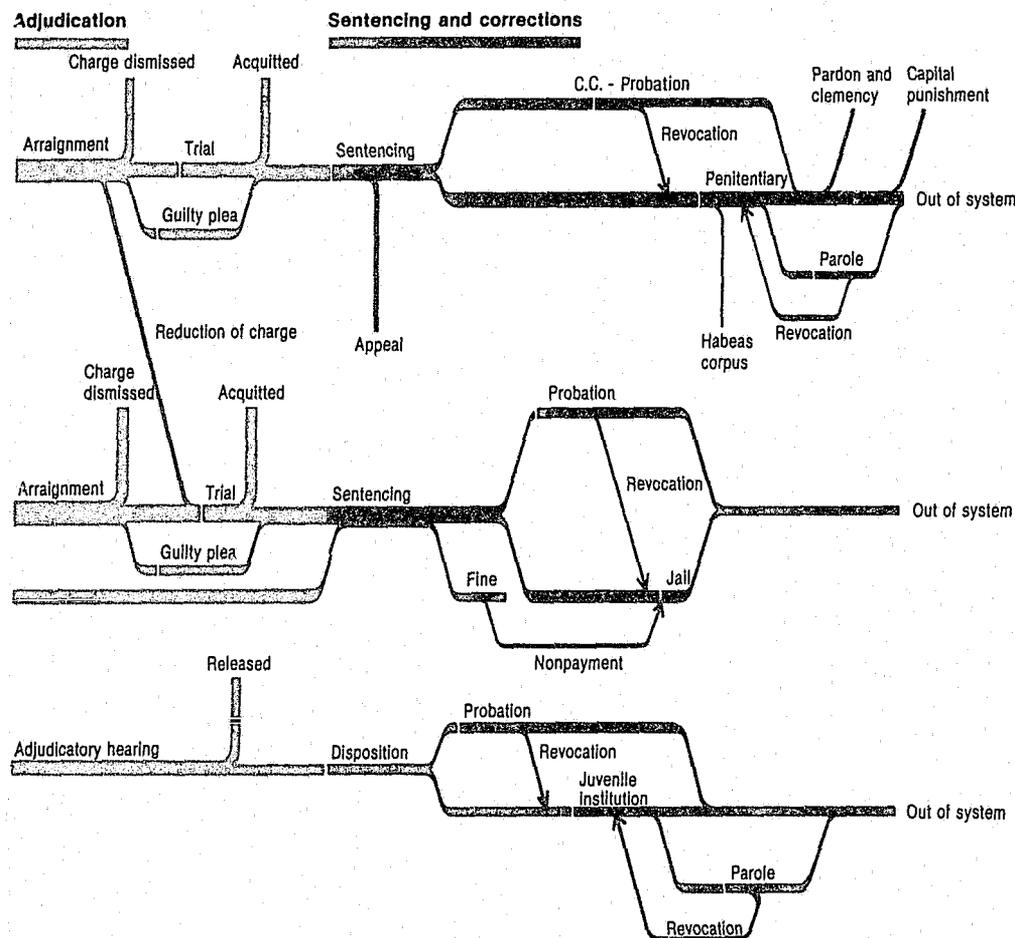
A suspect who is charged with a crime must be taken before a judge or magistrate without unnecessary delay. At the initial appearance, the judge informs the accused of the charges and decides whether there is probable cause to detain the accused person.

The initial appearance may be followed by a preliminary hearing.

The main function of this hearing is to discover whether there is probable cause to believe that the accused committed a known crime within the jurisdiction of the court. If the judge does not find probable cause, the case is dismissed. However, if the judge finds probable cause for such a belief, or the accused waives his right to a preliminary hearing, the case is set for trial.

Most felony cases proceed by the issuance of an information (a formal written accusation submitted to the court by a prosecutor). A criminal action may also be commenced by:

- The return of the grand jury indictment



Source: Adapted from *The challenge of crime in a free society*, President's Commission on Law Enforcement and Administration of Justice, 1967.

the judge decides on issues of law.

The trial results in acquittal or conviction on the original charges or on lesser included offenses.

After the trial, a defendant may request appellate review of the conviction or sentence. In Colorado, every person convicted of an offense under the laws of this state has the right to appeal. Most states with the death penalty provide for automatic appeal of a death sentence.

Sentencing and corrections

After a guilty verdict or guilty plea, sentence is imposed. In most cases, the judge decides on the sentence, but the sentence for capital offenses such as murder is decided by the jury.

In arriving at an appropriate sentence, a sentencing hearing may be held at which evidence of aggravating or mitigating circumstances will be considered. In assessing the circumstances surrounding a convicted person's criminal behavior, courts often rely on presentence investigations performed by probation agencies.

The sentencing choices available to judges and juries vary widely among jurisdictions and may include:

- Death penalty
- Incarceration in a prison, jail, or other detention facility
- Community corrections--allowing the offender to work or attend school in the community while living in a residential facility or meeting conditions of a non-residential program
- Probation--allowing the convicted person to remain at liberty but subject to certain conditions and restrictions
- Community service--requires offender to perform services such as maintenance around public buildings, collecting trash along roadways, etc.
- Fines--on both misdemeanors and felony offenses.
- Restitution--which requires the offender to provide financial compensation to the victim.

- Filing a felony complaint in county court or
- Issuing and/or filing a summons and complaint in county court for misdemeanor or petty offenses.

Adjudication

Once an indictment or information has been filed with the trial court, the accused is scheduled for arraignment. At the arraignment, the accused is informed of the charges, advised of the rights of criminal defendants and asked to enter a plea to the charges.

If the accused pleads guilty or pleads *nolo contendere* (accepts penalty without admitting guilt), the judge may accept or reject

the plea. If the plea is accepted, no trial is held and the offender is sentenced at this proceeding or at a later date. The plea may be rejected if, for example, the judge believes that the accused may have been coerced. If this occurs, the case may proceed to trial.

If the accused pleads not guilty or not guilty by reason of insanity, a date is set for the trial. A person accused of a serious crime is guaranteed a trial by jury. However, the accused has the right to ask for a bench trial where the judge, rather than a jury, serves as the finder of fact. In both instances, the prosecutor and defense present evidence by questioning witnesses while

Discretion is exercised throughout the criminal justice system

Discretion is "an authority conferred by law to act in certain conditions or situations in accordance with an official's or an official agency's own considered judgment and conscience."¹ Traditionally, criminal and juvenile justice officials, in particular the police, prosecutors, judges, and paroling authorities, have been given a wide range of discretion.

Legislative bodies have recognized that they cannot foresee every possibility, anticipate local mores, and enact laws that clearly encompass all conduct that is criminal and all that is not.² Therefore, those charged with the day-to-day response to crime are expected to exercise their own judgment within guidelines set by law.

Discretion is also necessary to permit the criminal and juvenile justice system to function within available resources.³ The enforcement and prosecution of all laws against all violators is beyond the financial resources available. Therefore, criminal and juvenile justice officials must have the authority to allocate resources in a way that meets the most compelling needs of their own communities.

The limits of discretion vary from state to state and locality to locality.

For example, the range of options available to judges when they sentence offenders varies greatly. In recent years, some states have sought to limit the judges' discretion in sentencing by passing mandatory and determinate sentencing laws.

Who exercises discretion?

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

The response to crime is mainly a state and local function

Very few crimes are under exclusive federal jurisdiction. The responsibility to respond to most crime rests with the state and local governments.

More than one agency has jurisdiction over some criminal events

Some criminal events because of their characteristics and location may come under the jurisdiction of more than one agency.

Congress has provided for federal jurisdiction over crimes that:

- Materially affect interstate commerce
- Occur on federal land
- Involve large and probably interstate criminal organizations or conspiracies
- Are offenses of national importance, such as the assassination of the president.⁴

Bank robbery and many drug offenses are examples of crimes for which the state and the federal government both have jurisdiction. In cases of dual jurisdiction, an investigation and a prosecution may be undertaken by all authorized agencies, but only one level of government usually pursues a case.

The response to crime also varies on a case-by-case basis

No two cases are exactly alike. At each stage of the criminal justice process, officials must make decisions that take into account the varying factors of each case. Two similar cases may have very different results because of various factors, including differences in witness cooperation and physical evidence, the availability of resources to investigate and prosecute the case, the quality of the lawyers involved and the age and prior criminal history of the suspects.

The response to crime is found in the intergovernmental structure of the United States

Under our form of government, each state and federal government has its own criminal justice system. All systems must respect the rights of individuals set forth in the U.S. Constitution and defined in case law.

State constitutions and laws define the criminal justice system within each state and delegate the authority and responsibility for criminal justice to various jurisdictions, officials and institutions. State laws also define criminal and delinquent behavior.

Municipalities and counties further define their criminal justice systems through local ordinances that proscribe additional illegal behavior and establish those local agencies responsible for criminal justice processing which were not established by the state.

Congress has also established a criminal justice system at the federal level to respond to federal crimes such as bank robbery, kidnaping and transporting stolen goods across state lines.

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Section 2. Entry into the criminal justice system

The initial response to crime is usually by the police

The system responds directly to only a small amount of crime

The criminal justice system generally responds to crimes brought to its attention through direct observation or citizen reporting, but, as noted in Chapter II, most crime is not reported to the police.

Because most reported crimes are not solved by arrest, the proportion of all crimes handled directly by the criminal justice system through the processing of a suspect is relatively small. Indirectly, the criminal justice system may be dealing with more crime than appears in arrest data because the offenders who are processed may be responsible for much more crime than that for which they are arrested.

Traditionally, the police function has been dominated by local governments

Colorado has approximately 186 municipal police departments and marshals' offices, with more than 5,000 full-time equivalent employees.

There are 63 sheriffs' departments with 62 elected sheriffs. Since Denver has combined city and county governments, Denver does not have an elected sheriff. The responsibilities of the sheriffs cover a range of duties including police protection, serving judicial process papers and operating jails. An estimated 1,500 employees are involved in law enforcement activities at the county level and another 700 perform correctional activities in the jails.

State law enforcement agencies include the State Patrol, Colorado Law Enforcement Training Academy (CLETA), the Colorado Bureau of Investigation (CBI), campus police departments, state hospital police, etc. These agencies perform law enforcement functions as well as provide support to local agencies.

There are more than 50 law enforcement agencies at the federal level, including the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA) and the Internal Revenue Service.¹

Law enforcement is only one of several roles of police

Two main roles of police officers are:

- Law enforcement—applying legal sanctions (usually arrest) to behavior that violates a legal standard.
- Order maintenance—taking steps to control events and circumstances that disturb or threaten to disturb the peace. For example, a police officer may be called on to disperse an unruly crowd or to quiet an overly boisterous party.

Two secondary roles of police officers are:

- Information gathering—asking routine questions at a crime scene, inspecting victimized premises and filling out forms needed to register criminal complaints.
- Service-related duties—a broad range of activities, such as assisting injured persons, animal control, or fire calls.

Several investigative techniques are used by the police

- Detection techniques are used when a crime has been committed, but the suspect has not been identified, or if identified, has not been apprehended.
- Undercover techniques are used when a person is suspected of participating in criminal activity, yet no specific crime has been committed.
- Intelligence techniques are used when there is no identified crime or suspect. An investigator seeks only information; following hunches or tips, the investigator looks for relationships.²

Most calls for service in Denver do not require law enforcement

Type of Call	Percent
ID check/vehicle registration	14%
Accident/emergency	11
See complainant-crime related	10
Disturbance/fight	9
Burglary-alarm	5
Parking complaint	4
Animals	4
See complainant-other	4
Prowler	3
Traffic related	3
Suspected vehicle	2
Crime in progress	2
Suspect apprehension	2
Fire	1
Alcohol abuse	1
Administrative	25

Source: Denver Anti-Crime Council, Calls for Service, 1978

Fewer than half of the employees in large police departments are assigned to patrol

Unit of assignment	Employees assigned by four large Colorado police departments
Patrol	40-45%
Traffic	0- 9
Tactical	0- 6
Detective	11-14
Youth	0- 7
Vice	1- 4
Other operations	0- 4
Technical services	1-14
Communications	2-10
Internal affairs	*- 1
Research and development	*- 1
Records	4- 9
Chief's office	*- 2
Personnel	0- 1
Other administration	0-11

*Less than 0.5%

Source: Bureau of Justice Statistics, Sourcebook of Criminal Justice Statistics, 1983

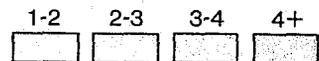
What is police strength in Colorado?

Most counties have between 2 and 4 police officers per 1,000 residents



Source: *Compendium of public employment, Census of governments, U.S. Bureau of the Census, 1982*

Number of law enforcement officers per 1,000 residents



There is no standard level of police protection

Police employment in Colorado ranges from 1 to 7 police officers per 1,000 residents; however, 80% of all counties have between 2 and 4 officers per 1,000 residents. The western states, including Colorado, generally have higher levels of police protection than the other sections of the country. Tourist areas often have high levels of police protection relative to the resident population.

Crime rates are not related to police strength of a given area

Many people believe that increased police employment will result in higher levels of protection and will lead to reductions in crime. However, there is no clear relationship between either the number of police officers on duty and the rate at which crime occurs or between crime rates and budget allocations for law enforcement. If a relationship is to be found between crime rates

and police, it may be associated more with the tactics of law enforcement officers than with their numbers.³

Most criminal cases are initiated by arrest

When a crime has been committed, a suspect must be identified and apprehended for the case to proceed through the system.

Sometimes, a suspect is apprehended at the scene; however, often extensive investigations are required to identify a suspect, and, in many cases, no one is identified or apprehended. Law enforcement agencies have wide discretion in determining when to make an arrest.

The law protects the public from arbitrary arrest

A peace officer may arrest a person when:

- He has a warrant issued by the court commanding the arrest of that person
- A crime has been or is being committed by such person in his presence or
- He has probable cause to believe that an offense was committed and that the offense was committed by the person to be arrested.

An arrest warrant is issued only on an affidavit sworn to or affirmed before the judge and relating facts are sufficient to establish probable cause that an offense has been committed and that a particular person committed that offense.

Most persons enter the criminal justice system through the arrest process, but some enter by other means

A person may be issued a notice or summons to appear by the police officer requiring a court appearance to answer a criminal charge. A summons creates a mandatory obligation to appear in court. The police officer may issue a summons for traffic violations, misdemeanors and petty offenses. For some offenses, such as a minor traffic violation, a payment of a fine can be made in lieu of a court appearance. Another means of entering the criminal system is through the issuance of an indictment by a grand jury.

Driving under the influence and larceny-theft are the most common reasons for arrest in Colorado

	Colorado		Denver	
	Rank	Number	Rank	Number
Driving under the influence	1	32,066	5	4,540
Larceny-theft	2	31,410	1	6,933
Disorderly conduct	3	16,860	2	5,826
Simple assaults	4	13,154	3	5,265
Liquor laws	5	12,979	4	4,918
Drug abuse violations	6	7,380	6	3,133
Vandalism	7	6,237	7	1,858
*Burglary	8	5,164	9	1,198
Runaways	9	4,904	11	905
*Aggravated assaults	10	4,188	14	687
Weapons-carrying	11	3,746	8	1,786
Fraud	12	2,855	19	160
Sex offenses	13	2,668	12	884
*Motor vehicle theft	14	2,193	13	777
Curfew and loitering	15	2,048	15	573
Prostitution/vice	16	1,765	10	1,089
Forgery and counterfeiting	17	1,215	16	454
*Robbery	18	968	17	380
Vagrancy	19	515	18	286
Stolen property	20	512	20	147
*Forcible rape	21	437	21	123
*Arson	22	403	23	87
Offenses against family	23	328	25	29
*Murder-manslaughter	24	216	22	95
Embezzlement	25	193	26	
Gambling	26	109	24	70
All other non-traffic		65,332		22,460
Total		219,845		64,663
*UCR Index Crimes				

Source: Colorado Bureau of Investigation, Crime in Colorado, 1984

A search warrant is usually required before police may search a person or his property

A search warrant may be issued by a judge based on facts sufficient to:

- Identify or describe, as nearly as may be, the premise, person, place or thing to be searched.
- Identify or describe, as nearly as may be, the property to be searched, seized or inspected.
- Establish the grounds for issuance for the warrant, or probable cause to believe that such grounds exist.
- Establish probable cause to believe that the property is located at, in, or upon the premises, person, place, or thing to be searched.

Illegally gained evidence is not admissible in court

To protect the public from arbitrary searches and seizures, police are required to follow specific procedures. If those pro-

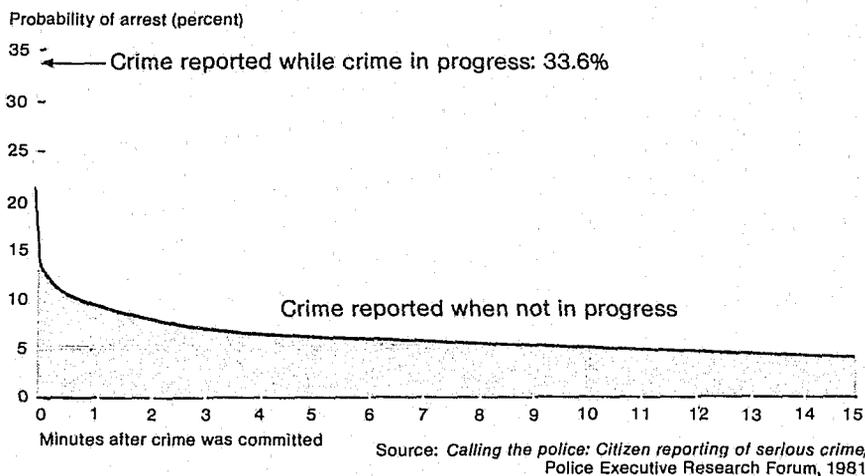
cedures are not followed, evidence gained may not be used in court.

Legislation passed in Colorado in 1981 allows evidence which is otherwise inadmissible in a criminal proceeding to be used if the court determines that the evidence was seized by a peace officer as a result of a good faith mistake or of a technical violation.

The rights of persons in custody included the right to communicate with an attorney

Persons who are arrested have the right to communicate with an attorney of their choice and a member of their family by making a reasonable number of telephone calls or other form of communication. Persons arrested or taken into custody shall be treated humanely and provided with adequate food, shelter and medical treatment. No unlawful means shall be used to obtain a statement, admission or confession.

The probability of an arrest declines sharply if the incident is not reported to the police within seconds after a confrontational crime



Police response time is important in securing arrests only when they are called while the crime is in progress or within a few seconds after the crime was committed

The study by the Police Executive Research Forum suggests that after a certain time elapses, the response time of the police following a delayed report of a confrontational crime may be of little relevance to the making of an arrest for the crime. In many cases, timely reporting by citizens may not occur because of problems in leaving the crime scene and reaching a telephone, a decision to chase or restrain the criminal personally, or the need to care for a personal injury. Moreover, where discovery crimes are involved (those noticed after the crime has been completed), very few arrests may result even if citizen reporting immediately follows discovery; by this time the offender may be safely away. If a suspect is arrested, the length of delay between the offense and the arrest may crucially affect the ability of the government to prosecute the suspect successfully.

Several factors affect the ability of police to make arrests which result in conviction

A principal factor relating to the criminal event and the arrest itself is the availability of tangible evidence and credible witnesses. The ability of the government to prosecute criminal cases successfully depends largely on evidence that establishes proof that a crime was committed and that an arrested person committed it. Evidence may be presented at the trial through witnesses, records, documents and other concrete objects. The acquisition of criminal evidence is generally the task of the arresting police officer. Under the exclusionary rule, evidence obtained improperly may not be used in court.

A study of criminal conviction rates in the District of Columbia by the Institute for Law and Social Research demonstrated a strong relationship between the availability and strength of evidence and conviction of criminal defendants. For example, of all arrests for violent crimes brought before the District of Columbia Superior Court in 1974, the con-

viction rate in cases was 35% where tangible evidence was recovered, compared with only 24% where no tangible evidence was recovered. In addition, when at least two lay witnesses were available to testify about a crime, the conviction rate was 39%, compared with only 21% in cases when less than two witnesses were available.

Delay in apprehension affects the ability of police to make arrests that result in conviction

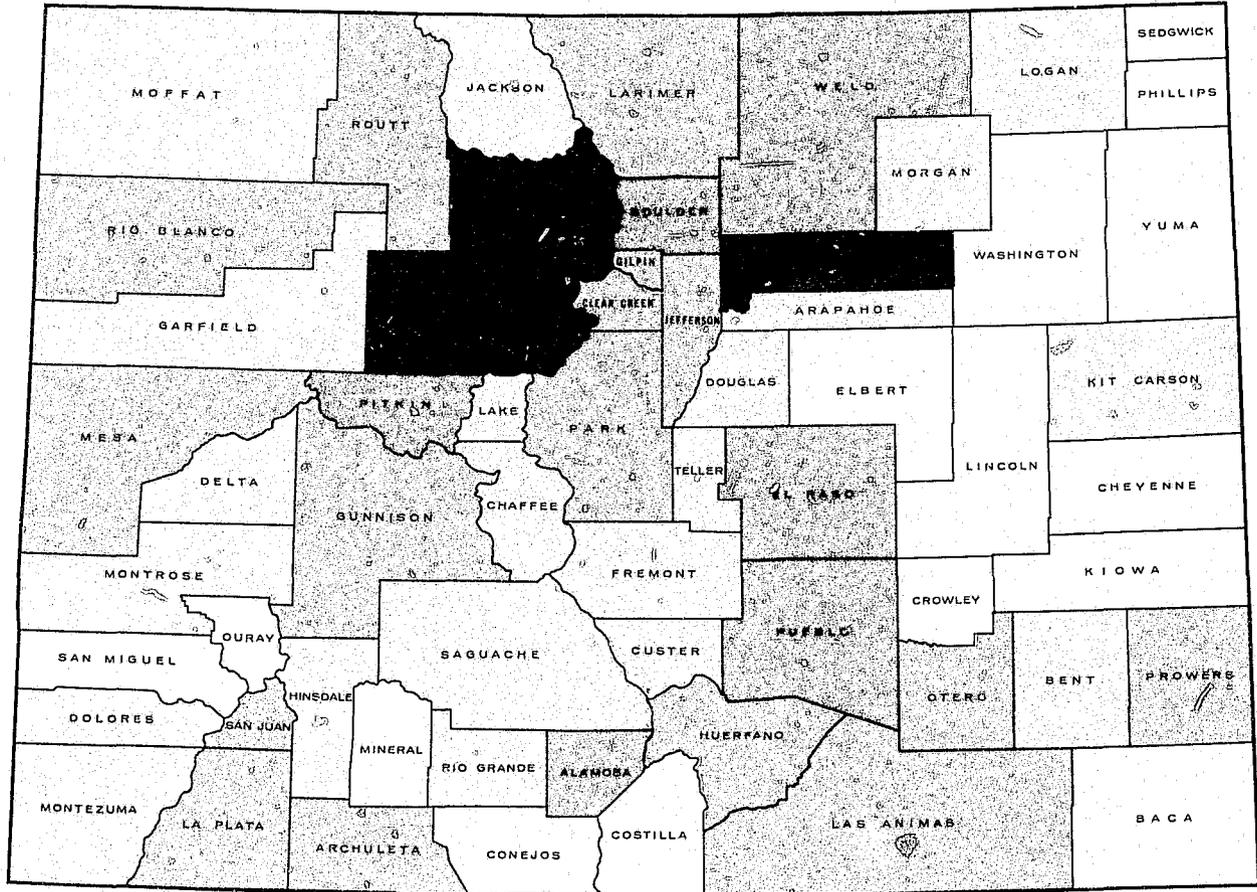
This is largely due to the fact that when delay is short, the ability of the police to recover tangible evidence from a "warm crime scene" is enhanced. For example, in the District of Columbia study cited above, conviction rates for robbery, larceny and burglary declined significantly as time between offense and arrest increased.

Elapsed time	Robbery	Larceny	Burglary
0-5 minutes	38%	34%	43%
6-30 minutes	36	30	45
30 minutes			
24 hours	30	29	40
More than 24 hours	26	26	38

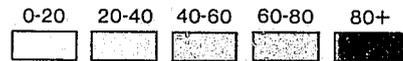
Source: *What happens after arrest?* Institute for Law and Social Research, 1978.

For most crimes, no one is apprehended

For every nine offenses reported to police ...



Number of UCR Index Offenses per 1,000 population



Source: Colorado Bureau of Investigation (CBI), Crime in Colorado, 1984

When is a crime considered solved?

Law enforcement agencies measure solved cases by counting clearances, that is, the number of cases in which a known criminal offense has resulted in the arrest, citation, or summoning of a person in connection with the offense or in which a criminal offense has been "resolved" (location and identity of suspect known), but an arrest is not possible because of exceptional circumstances such as death of suspect or refusal of the victim to prosecute.

The interpretation of clearance statistics must be approached with caution. For example, a number of criminal offenses may be designated as cleared when a single offender has been apprehended for their commission. However, because the crimes may have involved the participation of multiple suspects, the term clearance may suggest that a criminal investigation has closed, when in fact it may be continued until the remaining suspects are apprehended. Additionally, a case may be cleared even though the suspect will not be processed for that offense or is later absolved of wrongdoing.

Most crimes are not cleared by arrest

	Reported crimes cleared by arrest
Murder	80%
Aggravated assault	73
Forcible rape	58
Robbery	36
Larceny-theft	25
Motor vehicle theft	23
Burglary	14
All UCR Index Crimes	28

Source: CBI Crime in Colorado, 1984

... there are approximately two arrests



Serious violent crimes are more likely to be cleared than serious property crimes

The rate of clearance for crimes of violence (murder, forcible rape, aggravated assault, and robbery) is nearly 63% as compared with 22% clearance rate for property crimes (burglary, larceny, motor vehicle theft). This wide variation is largely due to the fact that:

- Victims often confront perpetrators in violent crime incidents.
- Witnesses are more frequently available in connection with violent crimes than with property crimes.

- Intensive investigative efforts are employed more frequently with crimes of violence, resulting in a greater number of arrests.

UCR Index arrest rates for counties tend to follow a pattern similar to crime rates

Counties with very high arrest rates tend to be urbanized, independent cities which also have high crime rates. Counties with low arrest rates do not display a consistent pattern, which is probably due in part to arrest reporting practices.

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Notes

¹Bala Rektor, *Federal law enforcement agencies* (1975)

²James Q. Wilson, *The investigators*, (1978), pp. 21-23.

³Colin Loftin and David McDowall, University of Michigan, discuss the studies undertaken in this area. *The police, crime, and economic theory: An assessment*. *American Sociological Review* (June 1982) 47(3):393-401.

Section 3. Prosecution and pretrial services

The district attorney's job is to prosecute criminals

The American prosecutor is unique in the world

First, the American prosecutor is a public prosecutor representing the people in matters of criminal law. Traditionally, European societies viewed crimes as wrongs against an individual whose claims could be pressed through private prosecution. Second, the American prosecutor is usually a local official, reflecting the development of autonomous local governments in the colonies. Finally, as an elected official, the local American prosecutor is responsible only to the voters.

Prosecution is the function of representing the government in criminal cases

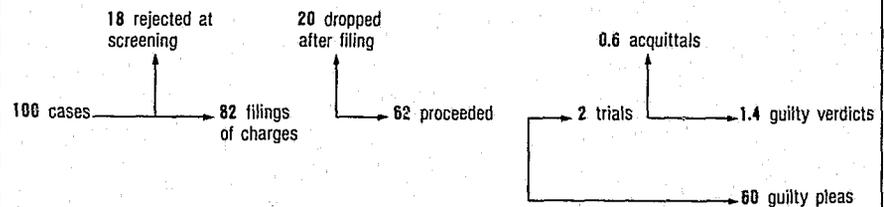
After the police arrest a suspect, the prosecutor coordinates the government's response to crime—from the initial screening, when the prosecutor decides whether or not to press charges, through trial and, in some instances, at the time of sentencing, by the presentation of sentencing recommendations.

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

Most felony cases in Colorado are prosecuted by district attorneys

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

Few cases result in a trial



Note: Includes 8 front range counties
Source: District Attorneys Council, PROMIS Database, 1984

A district attorney is elected in each of the 22 judicial districts to prosecute criminal cases on behalf of the state (the people). The district attorney is a part of the executive branch of government. Deputy district attorneys may be appointed by the district attorney to assist with the duties of the office.

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

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

A criminal action may be commenced in several ways

A criminal action for violation of any statute may be commenced in one of the following ways:

- Return of an indictment by a grand jury
- Filing of information in district court
- Filing of a felony complaint in county court.

Whatever the method of accusation, the state must demonstrate at this stage that there is probable cause to support the charge

Colorado law provides a simple and expeditious method for the prosecution of misdemeanor and petty offenses in county court.

A summons and complaint can be issued by a police officer for a misdemeanor or petty offense. The summons and complaint directs the defendant to appear in county court at a stated date and time. Or a summons can be issued after a complaint is filed in county court. A trial may be held upon appearance of the defendant before the judge or the case is set for trial as soon as possible. Judgments of the county court in a criminal action under the simplified procedure may be appealed to district court.

When a person is arrested for a class two petty offense (a minor offense) the arresting officer may issue a penalty assessment notice. If the defendant wishes to acknowledge his guilt, he may pay the specified fine in person or by mail. If he chooses not to acknowledge guilt, he shall appear in court as required by the notice.

Why are some cases rejected or dismissed?

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

Once an arrest is made and the case is referred to the district attorney, most district attorneys screen cases to determine whether the case merits prosecution. The district attorney may refuse to prosecute, for example, because of insufficient evidence. The district attorney has the power to dismiss cases or to decide which of several possible charges to press in a prosecution. The decision to charge is not reviewable by any other branch of government. Some prosecutors accept almost all cases for prosecution; others screen out many cases.

Once charges are filed, a case may be terminated only by official action

The prosecutor can drop a case after making efforts to prosecute (nolle prosequi), or the court can dismiss the case on motion of the defense on grounds that the government has failed to establish that the defendant committed the crime charged. The prosecution may also recommend dismissal, or the judge may take the initiative in dismissing a case. A dismissal is an official action of the court.

What are the most common reasons for rejection or dismissal?

Many criminal cases are rejected or dismissed because of:

- Evidence problems that result from a failure to find sufficient physical evidence that links the defendant to the offense
- Victim problems which result when a victim decides to drop the charges
- Witness problems that arise, for example, when a witness fails to appear, gives unclear or inconsistent statements, is reluctant to testify, or is unsure of the identity of the offender
- Prosecutive merit wherein the prosecutor decides not to prosecute certain cases based on the merit of the case. For

example, some cases referred to the district attorney are more appropriately handled as civil, petty or misdemeanor matters

- Due process problems that involve violations of the constitutional requirements for seizing evidence and for questioning the accused. Due process problems also result from excessive delays in filing the case
- Combination with other cases, for example, when the accused is charged in several cases and the prosecutor prosecutes all of the charges in a single case. Cases are often dismissed if the defendant pleads guilty in another case
- Fugitives from another jurisdiction may have their case dismissed if the other jurisdiction prosecutes
- Pretrial diversion that occurs when the prosecutor and the court agree to drop charges when the accused successfully meets the conditions for diversion, such as completion of a treatment program.

The Fourth Amendment prohibits unreasonable searches and seizures in the collection of evidence

Under the exclusionary rule, evidence obtained in violation of the Fourth Amendment may not be used in criminal proceedings against the accused. Both the police and prosecutors drop cases based on what they find is improperly obtained evidence.

Fewer than 1% of the cases filed in Colorado are rejected or dismissed because of due process or constitutional problems.

Most of the cases with due process problems are rejected prior to filing. These types of cases account for approximately 2% of the cases that are rejected. Very few cases are dismissed after filing because of constitutional problems.

Evidence problems are the primary reason cases are rejected prior to filing or are dismissed

Reason for rejection or dismissal	Percent rejected	Percent dismissed
Evidence problems	56%	42%
Prosecutive merit	15	
Pretrial diversion	10	
Jurisdictional	10	
Victim/witness problems	3	13
Due process	2	1
Plea in another case	*	23
Fugitive returned		9
Other	4	13

*Less than 0.5%

Note: Includes eight front range counties
Source: District Attorneys Council, PROMIS, 1984

The Sixth Amendment of the Constitution provides the accused the right to be assisted by counsel

The function of the defense attorney is to protect the defendant's legal rights and to be the defendant's advocate in the adversary process

Defendants have the right to defend themselves, but most prefer to be represented by a specialist in the law. Relatively few members of the legal profession specialize in criminal law, but lawyers who normally handle other types of legal matters may take occasional criminal cases.

The right to the assistance of counsel is more than the right to hire a lawyer

Supreme Court decisions in *Gideon v. Wainwright* (1963) and *Argersinger v. Hamlin* (1972) established that the right to an attorney could not be frustrated by lack of means. For both felonies and misdemeanors for which incarceration can be the penalty, the state must provide an attorney to any accused person who is indigent.

The institutional response to this constitutional mandate is still evolving as states experiment with various ways to provide legal counsel for indigent defendants.

Colorado is one of 13 states that provide a statewide public defender system

Only 13 states, including Colorado, have statewide organizations to provide indigent defense services. In 33 states, such services are organized at the county level alone or in combination with a statewide system. The remaining four states use judicial districts.

Thirty-three states provide complete or partial funding of indigent defense. In the other 19 states, funding comes from the county.

The state public defender represents as counsel all indigent persons charged with or held for the commission of a crime

The state public defender represents without charge, indigent persons:

- Arrested for or charged with a felony
- Arrested for or charged with a misdemeanor
- Juveniles upon whom a delinquency petition is filed or who are in any way restrained by court order, process or otherwise held in any institution against their will for treatment of any disease or disorder or confined for the protection of the public
- Charged with municipal code violations (at public defender's discretion).

More than 47,000 new cases were opened by the public defender's offices in 1984

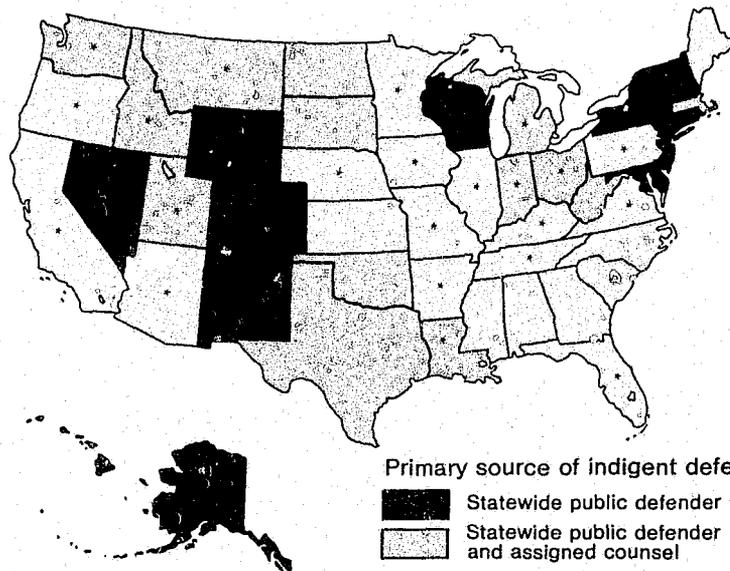
Type of case	Cases opened in 1984
Felony	16,219
Misdemeanor	26,594
Juvenile	4,550
Total	47,363

The court may appoint another attorney in place of the public defender

Private attorneys are generally appointed when a potential conflict exists as a result of:

- Multiple defendants being charged with the same crime
- A person previously represented by the public defender's office is a victim of the present defendant
- A person previously represented by the public defender's office will be a witness against the present defendant
- A case overload in the public defender's office, or the public defender staff is otherwise unavailable.

Ad hoc appointment of counsel remains the primary source of indigent defense



Much indigent defense provided locally

Primary source of indigent defense

- Statewide public defender
- Statewide public defender and assigned counsel

Assigned counsel provided:

- Ad hoc
- Ad hoc and by contract
- By contract

Source: Preliminary data from the 1982 National Indigent Defense Survey, Abt Associates, Inc.

Most defendants are eligible for release pending trial

The Colorado Constitution guarantees the right to bail in all cases, except for capital offenses

All persons shall be bailable before conviction, except in the prosecution for a capital offense in which the proof of guilt is evident or the presumption great. The constitution also guarantees that excessive bail will not be required.

The traditional objective of bail or other pretrial release options are to assure appearance at trial

In medieval times, the accused was bailed to a third party who would be tried in place of the accused if the accused failed to appear. As the system evolved, the guarantee became the posting of a money bond that was forfeited if the accused failed to appear. In the United States, the Eighth Amendment states that bail shall not be excessive, but it does not grant the right to bail in all cases. The right to bail for many offenses was established by federal and state laws early in our history.

The modern bail reform movement resulted in new release options

The movement was based on the belief that detaining the poor because they could not afford bail violated the prohibition against excessive bail. In the early 1960's, seeking alternatives

to the commercial bail bondsman, the Vera Institute created the Manhattan bail project, which showed that defendants with community ties could be released without bail and in most cases still return for trial.

The Pretrial Services Resource Center reports that more than 200 pretrial service programs currently operate throughout the nation. Since the Federal Bail Reform Act of 1966, many states have passed laws that limit the role of bondsmen. Five states (Kentucky, Oregon, Wisconsin, Nebraska and Illinois) have eliminated bail bonding for profit. Kentucky dealt with both bondsmen and release programs in 1976 when it banned bondsmen and set up a statewide system of pretrial services agencies.

Several types of bond may be approved by the court

- Personal recognizance—bond secured only by the personal obligation of the person giving the bond
- Personal recognizance co-signed—the court may require additional obligors on the bond
- Cash bond—cash or stocks and bonds equal to the required bail are deposited with the clerk of the court
- Property bond—real estate located in Colorado is put up as collateral
- Surety—bail is guaranteed by a commercial bondsman.

In setting the amount of bail and the type of bond, the judge considers certain criteria relevant to the risk of non-appearance

Criteria to be used by the judge in fixing bail are defined by law:

- The amount of bail shall not be oppressive
- When a person is charged with an offense punishable by fine only, the amount of bail shall not exceed the maximum amount of the fine
- The defendant's employment status and history and financial condition
- The nature and extent of family relationships
- His past and present residences
- His character and reputation
- Identity of person who agrees to assist him in meeting court dates
- Nature of offense, probability of conviction and the likely sentence
- Prior criminal record and failures to appear as required
- Indications of the possibility of criminal acts if released
- Indications that defendant will intimidate or harass witnesses
- Indications that defendant has strong ties to the community and is not likely to flee.

Bond schedules are established for most offenses but bond amounts vary among jurisdictions

County Jail	Class 1 Felony	Class 2 Felony	Class 3 Felony	Class 4 Felony	Class 5 Felony	Class 1 Misdemeanor
Adams	Set by Court	\$20,000-50,000	\$10,000	\$5,000	\$2,500	\$500
Arapahoe	Set by Court	20,000	10,000	6,000	3,000	750
Denver	Set by court	Set by Court	Set by Court	Set by Court	1,000-5,000	NA
El Paso	Set by Court	20,000	8,000	1,000-2,000	1,000	400
Fremont	Set by Court	20,000	8,000	2,000	1,000	400
La Plata	Set by Court	25,000	10,000	3,000	1,500	1,000
Mesa	Set by Court	Set by Court	Set by Court	Set by Court	Set by Court	500-1,000
Montrose	\$50,000	25,000	15,000	5,000	2,500	1,000
Morgan	Set by Court	Set by Court	15,000	2,000	2,000	1,000
Prowers	Set by Court	10,000	Set by Court	3,000-6,000	2,000-4,000	750-1,000
Pueblo	Set by Court	7,500	4,000-8,000	2,000	1,000	1,000
Routt	Set by Court	20,000	5,000	2,000	1,000	750

Note: List of felony and misdemeanor offenses is found on page 63
Source: Division of Criminal Justice, Pretrial Release Database, 1985

Personal recognizance bonds are restricted if the defendant has a criminal record

The district attorney must agree to a personal recognizance bond if the person is currently at liberty on bond for a felony or class 1 misdemeanor or if the person was convicted of a felony in the last five years or a class 1 misdemeanor in the past two years.

Approximately 72% of the people booked into county jails in Colorado in 1983 were released on bond

Type of release	Jail inmates
Bond	72%
Transferred to other jurisdictions	10
Issued a summons	5
Charges dismissed	3
Paid fine	2
Not released prior to trial	8

Source: Division of Criminal Justice (DCJ), Pretrial Release Database, 1985

The type of bond used most often in Colorado is the surety bond

Type of bond	Jail inmates
Surety	44%
Personal recognizance	29
Cash	23
Property	3
Other	1

Source: DCJ, Pretrial Release Database, 1985

Most bond amounts are set at less than \$1,000

Bond amount	Jail inmates
Personal recognizance	26%
Under \$100	6
\$100-199	8
\$200-499	18
\$500-999	19
\$1,000-1,999	7
\$2,000-4,999	8
\$5,000-9,999	5
\$10,000-49,999	2
\$50,000-or more	1

Source: DCJ, Pretrial Release Database, 1985

Fewer people in Denver are released on bond than the average for the state

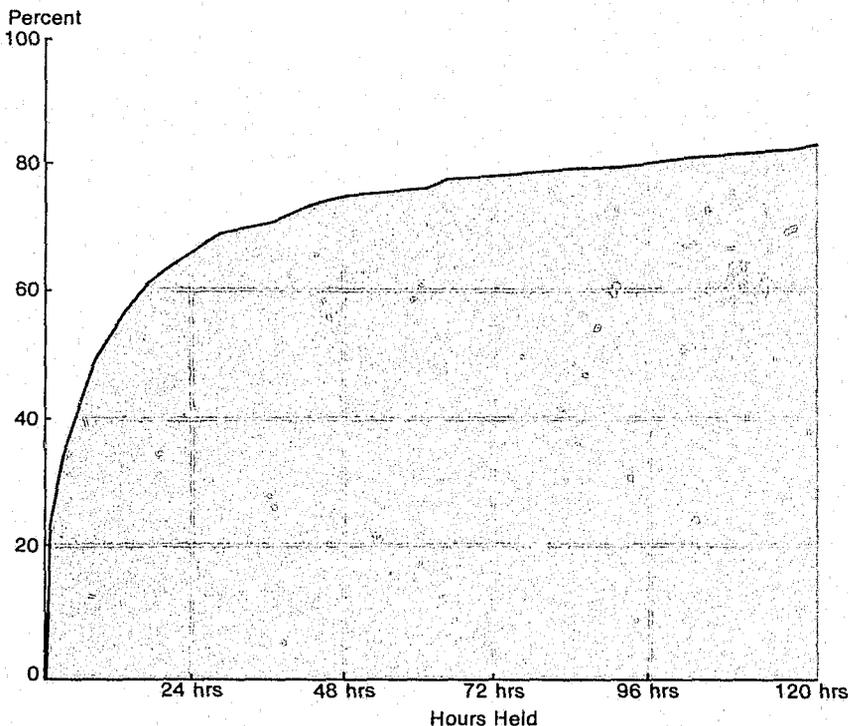
Only 59% of the people booked into jail in the City and County of Denver were released on bond compared to the state average of 72%.

Most people in Denver who fail to obtain a bond release are held on a bond of \$500 or less

Bond amount	Detainees not released
\$500 or less	76%
\$500-2,500	12
Over \$2,500	12

Source: Denver Anti-Crime Council, Jail Overcrowding Briefing Paper, 1983

Most people who are arrested and placed in jail stay only a short time



Source: DCJ, Pretrial Release Database, 1985

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Section 4. Adjudication

The courts are participants in and supervisors of the judicial process

The courts have several functions in addition to deciding about violations of the law

- The courts are responsible for:
- Settling disputes between legal entities (persons, corporations, etc.)
 - Invoking sanctions against violations of law
 - Deciding whether acts of the legislative and executive branches are constitutional.

In making decisions about violations of the law, the courts must apply the law to the facts in individual cases. The courts have an impact on policy, while deciding individual cases, by handing down decisions about how the laws should be interpreted and carried out. Decisions of the appellate courts are the decisions most likely to have policy impact.

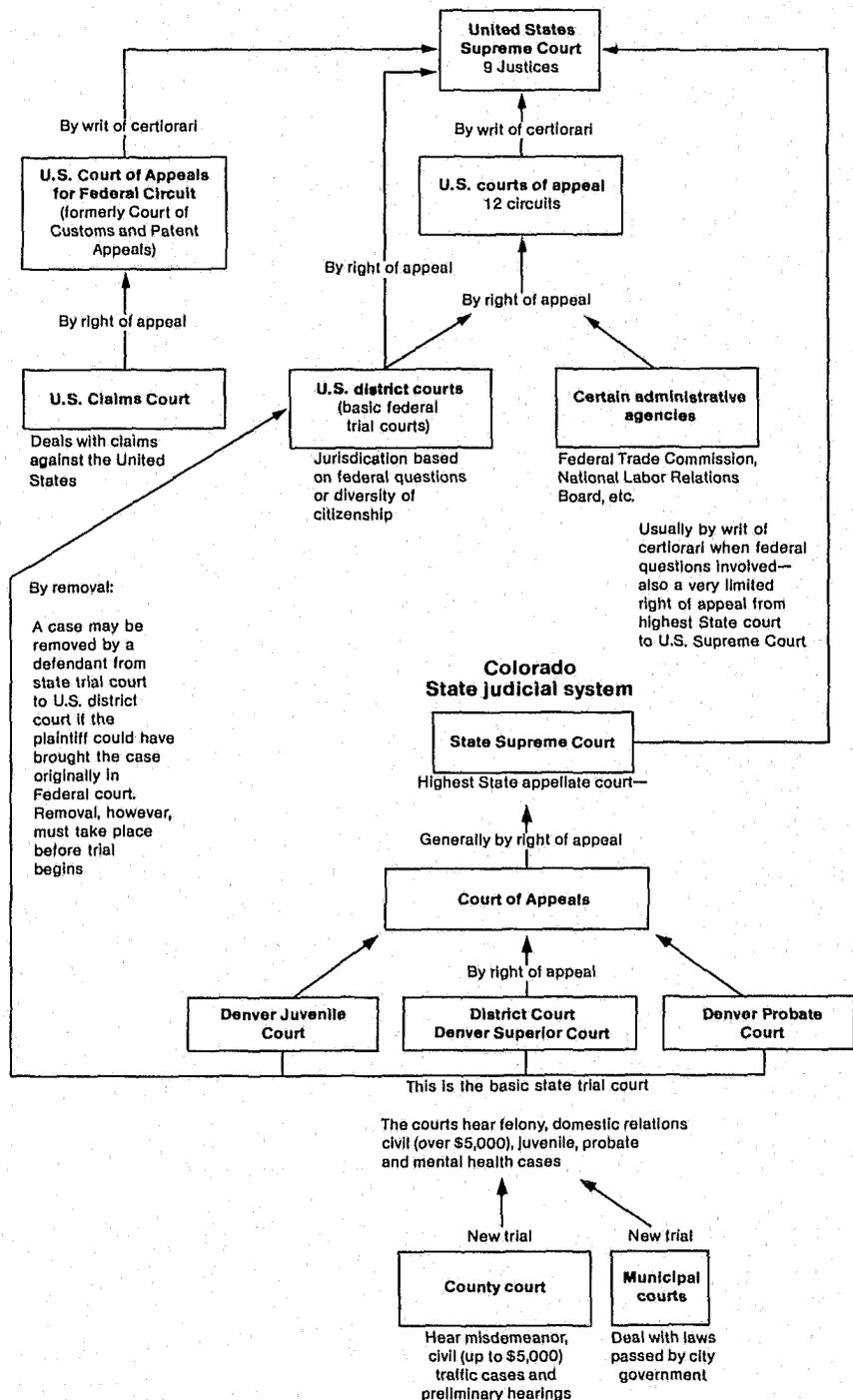
The use of an arm of the state in settling disputes is a relatively new concept

Until the Middle Ages, disputes between individuals, clans and families, including criminal acts, were handled privately. Over time, some acts such as murder, rape, robbery, larceny and fraud were determined to be crimes against the entire community, and the state intervened on its behalf. Today in the United States, the courts handle both civil actions (disputes between individuals or legal organizations) and criminal actions.

An independent judiciary is a basic concept of the U.S. system of government

To establish its independence and impartiality, the judiciary was created as a separate branch of government equal to the executive and legislative branches. Insulation of the courts from political pressure is attempted through the separation of powers doctrine, established tenure for judges, legislative safeguards and the canons of ethics of the legal profession.

Courts at various levels of government interact in many ways



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In Colorado, there are several levels of jurisdiction, each hearing different cases or performing different functions

- **Municipal courts.** There are approximately 215 municipal courts in Colorado with an estimated 230 judges. Home rule cities are authorized by the constitution and other cities by statute to establish municipal courts. Municipal courts are funded and administered locally and are not administered by the State Judicial Department as are all of the other courts in the state. Their jurisdiction is limited to municipal ordinance violations.

- **County courts.** Approximately 109 judges serve in 63 county courts. County courts hear civil cases in which the claim does not exceed \$5,000. The small claims division of county court hears cases in which the claim does not exceed \$1,000. Traffic and traffic infraction cases are heard in county court which also has original jurisdiction with district courts over misdemeanors and the issuance of warrants, conduct of preliminary hearings and setting bail. Most misdemeanors are heard in county court and in some judicial districts a part or all of the preliminary hearings on felony cases are heard in county court.

- **District courts.** District courts are Colorado's trial courts of general jurisdiction. They have trial jurisdiction in domestic relations, civil (over \$5,000), juvenile, probate, mental health and criminal cases, except in the City and County of Denver.

The jurisdiction of Denver District Court is unique because of three special courts. Probate and mental health matters are heard in Probate Court and juvenile matters are heard in Juvenile Court. Denver Superior Court has original jurisdiction with the district court in civil actions where the amount involved is not less than \$1,000 nor more than \$5,000 and has concurrent jurisdiction with district and county courts. The court also has

appellate jurisdiction over cases appealed from Denver County Court. Judges in these three special courts must have the same qualifications and serve the same term of office as district court judges.

- **Court of Appeals.** The Court of Appeals is composed of ten judges who sit in divisions of three to hear and decide on matters before it. It has initial appellate jurisdiction over appeals from final judgements of district courts and Denver Probate, Juvenile and Superior courts, except for those matters in which the Supreme Court has initial jurisdiction.

The Court of Appeals has initial jurisdiction over appeals from awards or actions of the Industrial Commission in workmen's and unemployment compensation cases and appeals regarding charters for new banks. The court also reviews actions of the State Board of Medical Examiners, Civil Rights Commission, Insurance Commissioner and actions of school boards under the Teacher Tenure Act.

- **Supreme Court.** Seven justices serve on the Supreme Court. The chief justice is selected from among its members and serves at the pleasure of the court. The Supreme Court has initial appellate jurisdiction over: cases in which the constitutionality of a statute, a municipal charter provision or an ordinance is in question; cases concerned with decisions or actions of the Public Utilities Commission; writs of habeas corpus; water cases involving priorities or adjudications; and summary proceedings initiated under the Election Code.

The Supreme Court also has the right of review called certiorari review over appeals which are initiated in the Court of Appeals or in a district court or in the Denver Superior Court.

The Supreme Court promulgates rules governing practice procedure in civil and criminal cases and governing the administration of all courts.

The U.S. Constitution created the Supreme Court and authorized Congress to establish lower courts as needed

Currently, the federal court system consists of various special courts, U.S. district courts (general jurisdiction courts), U.S. courts of appeals (intermediate appellate courts which receive appeals from the district courts and federal administrative agencies), and the U.S. Supreme Court (the court of last resort). Organized on a regional basis, there are U.S. courts of appeals for each of 11 circuits and the District of Columbia. In the trial courts for the federal system (the 94 U.S. district courts), approximately a quarter of a million cases were filed in 1982; there was one criminal case for every six civil cases.

Only 22% of the cases filed in Colorado district courts in FY 1983-84 were criminal or delinquency cases

Type of case	Number	Percent
Civil	38,336	34
Domestic relations	32,841	29
Criminal (adult)	15,785	14
Delinquency (juvenile)	9,586	8
Probate	7,980	7
Other juvenile	7,300	6
Mental health	2,784	2
Total new filings	114,612	100

Source: Colorado Judiciary, Annual Report, FY 1983-84

Approximately 60% of the cases filed in county courts are traffic related cases

Type of case	Number	Percent
Traffic	130,404	46
Civil	65,485	23
Traffic infractions	38,268	14
Misdemeanor	30,023	11
Small claims	16,460	6
	280,640	100

Source: Colorado Judiciary, Annual Report, FY 1983-84

Judges are appointed by the governor, but are retained by public vote

A constitutional amendment approved in 1966 established a system in which candidates for judgeships are screened by local nominating commissions and vacancies are filled by appointment of the governor.

The justices of the supreme court and all appeals court, district court or county court judges must be retained by the voters when their terms expire. The judge must notify the secretary of state that he or she wishes to retain judicial office. A question is then placed on the appropriate ballot at the general election as follows: "Shall Justice (Judge) _____ of the Supreme (or other) Court be retained in office? Yes/___ No/___ ." Judges do not campaign and there is no competition for the position.

The Supreme Court may remove or retire unqualified judges

The Colorado Constitution provides a procedure whereby a justice or judge of any court of record may be removed for willful misconduct in office or willful or persistent failure to perform his duties or intemperance or he may be retired for disability interfering with the performance of his duties.

A commission on judicial qualifications may investigate complaints and hold hearings. If the commission finds good cause, it shall recommend to the Supreme Court the removal of the justice or judge. The Supreme Court after a review of records and any additional evidence may accept the recommendations and order the removal or retirement of a judge or may reject the recommendation.

Municipal judges are appointed and removed by the governing body of the city

A municipal judge may be removed during his term of office only for cause as defined by statute:

- He is found guilty of a felony or any other crime involving moral turpitude
- He has a permanent disability which interferes with the performance of his duties
- He fails to meet residency requirements.

Judges in the higher courts must be attorneys

Court	Term of Office	Qualifications
Supreme	10 years	Qualified elector of the state Licensed to practice law in Colorado for 5 years
Appeals	8 years	Same as Supreme Court
District	6 years	Qualified elector and resident of his or her district Licensed to practice law in Colorado for 5 years
County	4 years	Qualified elector and resident of his or her county In 10 largest counties - licensed to practice law in Colorado Other counties - graduated from high school or has GED
Municipal	Not less than 2 years	Same as county judge in small counties

Source: Colorado Revised Statutes

A person is considered innocent until proven guilty

Every person is presumed innocent until proven guilty

No person shall be convicted of any offense unless his or her guilt is proven beyond a reasonable doubt.

The defendant has certain rights

At the first appearance or arraignment, the court informs the defendant of the following:

- He need make no statement, and any statement made can and may be used against him
- He has the right to counsel
- If he is indigent, he will be assigned counsel at the expense of the state
- Any plea he makes must be voluntary on his part
- He has the right to bail, if the offense is bailable and the amount of bail that has been set by the court is met
- He has a right to a jury trial, which can be waived except when the charge is a class 1 offense, e.g. first degree murder
- He is informed of the charges against him.

The defendant enters a plea as to his guilt or innocence

At the arraignment the defendant personally or, where permissible, by counsel may orally enter:

- A plea of guilty
- A plea of not guilty
- A plea of nolo contendere (no contest)
- A plea of not guilty by reason of insanity, in which event a not guilty plea may also be entered.

The Colorado Constitution gives defendants the right to a speedy public trial by an impartial jury

The number of jurors required to sit on a jury varies by the type of case:

Felony	12
Class 1 Misdemeanor	12
Other misdemeanors	6
Petty offenses	3-6
Civil	3-6

Jurors must meet certain minimum qualifications

- United States citizen and resident
- Eighteen years old
- Read, speak and understand English
- Physically and mentally capable of rendering satisfactory jury service
- Has not lost the right to vote by reason of a criminal conviction.

A prospective juror's competency, qualifications or prejudice may be challenged by the state or the defendant

Prospective jurors may be challenged for the following reasons:

- Does not meet qualifications
- Related to defendant or an attorney engaged in the case
- Is guardian or ward, employer or employee, landlord or tenant, debtor or creditor, principal or agent, member of household, business partner, surety on any bond or obligation of any defendant
- Served as juror for any case or action related to the crime
- Was a witness to any matter related to the crime or its prosecution

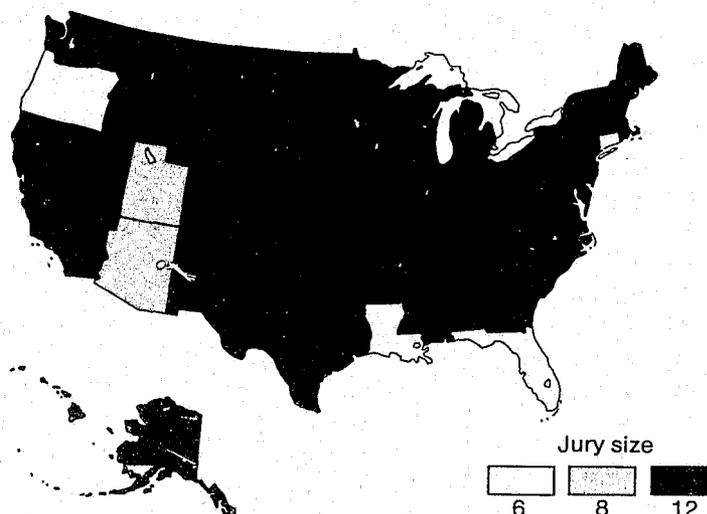
- Is biased toward the defendant or the state
- Occupies a fiduciary relationship to the defendant or the plaintiff
- Is a lawyer or a compensated employee of a public law enforcement agency.

Names of prospective jurors are selected from lists intended to make jury pools representative of the community

In Colorado, the jury commission for each county is required to compile and maintain a master list consisting of all voter registrations supplemented with names from other sources such as utility customers, property tax payers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories and drivers licenses.

Twenty-three states use only voter registration lists as the sole source of names for jury service. A multiple-source list, such as that used in Colorado, expands the pool from which jurors are drawn and may achieve more representative jury pools.

All States require 12-member juries in capital cases; 6 States permit less than 12-member juries in felony trials



Source: National Center for State Courts, Center for Jury Studies, August 1982

Most cases that are prosecuted result in convictions

Seventy-three percent of cases filed by the district attorney result in a plea of guilty

Disposition	Cases
Dismissed	24.0%
Guilty pleas	73.0
Guilty by trial	1.7
Acquitted by trial	.1

Source: Colorado District Attorneys Council, PROMIS Database, 1984

Plea bargaining is authorized by Colorado statute

The district attorney may engage in plea discussions and reach plea agreements where it appears that the administration of criminal justice will thereby be served. The district attorney may agree to one or more of the following depending upon the circumstances of the individual case:

- To make or not oppose favorable recommendations concerning the sentence to be imposed for a plea of guilty or nolo contendere
- To seek or not to oppose the dismissal of an offense charged for a plea of guilty or nolo contendere to another offense reasonably related to the defendant's conduct
- To seek or not to oppose the dismissal of other charges or potential charges for a plea of guilty or nolo contendere
- To consent to deferred prosecution
- To consent to deferred sentencing.

The offense at conviction in felony cases is often lower than the original charge

Offense at Conviction	Cases
Guilty as charged	56%
Guilty of a lesser felony	25
Guilty of a misdemeanor	18

Source: Division of Criminal Justice, Court Database, 1983-84

The judge does not participate in the plea discussions but decides whether to grant charge and sentence concessions

If a tentative agreement has been reached, the trial judge may permit the disclosure to him of the tentative agreement and the reasons, therefore, in advance of the tendering of the plea. He may then indicate whether he will concur in the proposed disposition if the information in the presentence report is consistent with the representations made to him. The judge in every case should exercise an independent judgement in deciding whether to grant the charge and sentence concessions.

Prosecution may be deferred for up to two years

The court may, prior to trial or entry of a plea of guilty, and with the consent of the defendant and the prosecution, order the prosecution of the offense deferred for up to two years. The defendant is usually placed under probation supervision and may be required to undergo counseling or treatment for his mental condition and/or alcohol or drug abuse.

If the defendant satisfactorily meets the conditions, the charges against him are dismissed with prejudice. If the conditions of supervision are violated, the defendant is tried for the original offense. Deferred prosecutions are used in approximately 1% of the felonies filed in district courts.

A deferred sentence may be granted after the defendant has entered a plea of guilty

The court may continue a case for up to two years from the date of entry of a plea of not guilty. During that time, the defendant is usually placed under probation supervision. If the defendant fully complies with the conditions, the plea of guilty previously entered is withdrawn and the action against the defendant is dismissed with prejudice.

If the defendant does not comply with the conditions, the court enters a judgement and imposes a sentence based on the guilty plea.

The Sixth Amendment provides the right of a defendant to a speedy trial

Concern about court delay is not new

As early as 1818, the legislature in Massachusetts adopted the auditor system to ease court congestion and delay.¹ However, what constitutes unreasonable delay in criminal proceedings has been difficult to define. In *Baker v. Wingo* (1972), the Supreme Court set down four factors to be weighed in determining whether a defendant had been denied his right to a speedy trial:

- Length of the delay
- Reasons for the delay
- Whether the defendant sufficiently assisted his right to a speedy trial
- Whether delay prejudiced the case of the defendant.

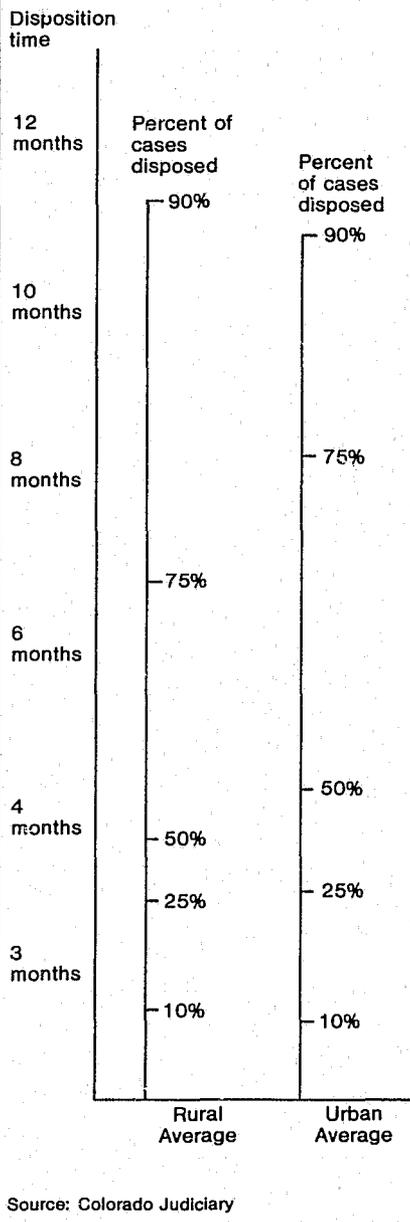
A defendant in Colorado must be tried within 6 months or the charges must be dismissed

If a defendant is not brought to trial on the issues raised by the complaint, information or indictment within 6 months from the date of entry of a plea of not guilty, the pending charges shall be dismissed. The defendant may not be tried later for the same offense or for another offense based upon the same act or series of acts arising out of the same criminal episode.

A continuance can be granted for an additional six months at the request of the defendant. A continuance may be granted at the prosecutor's request only if defendant in person or by his counsel expressly agrees to the continuance.

In computing the time within which a defendant must be brought to trial, certain delays caused by the defendant are excluded. Also, continuances may be granted at the prosecutor's request, without the defendant's approval, because of unavailability of evidence material to the state's case or if the prosecutor needs additional time to prepare the case because of exceptional circumstances.

Most criminal cases in 1984 were disposed within six months



Rural courts process the majority of cases faster than the urban courts

Rural courts process at least 50% of the criminal cases within the first three months. In 1984, it took the urban courts an average of one extra month to process the same proportion of cases. Cases that take the longest to process take longer, on the average, in the rural courts than in the urban courts.

How does the criminal justice system handle the mental health of defendants?

In all states and the federal courts, defendants may be found incompetent to stand trial

Defendants may be incompetent to stand trial on the basis of their mental health if they are found to be unable to understand the proceedings against them or to properly assist in their own defense. Such findings usually follow a court-ordered mental evaluation of the defendant.

According to Roesch and Golding, most defendants referred for competency evaluations are found competent. If found incompetent, a defendant may be committed for treatment until competent to stand trial.

In 1977, the Supreme Court held in *Jackson v. Indiana* that defendants found incompetent to stand trial could not be held indefinitely as a result of incompetency and that any such commitments must be justified by treatment progress. Some states have responded to this decision by setting treatment time limits after which defendants must be released. In all states, such defendants may be recommitted under civil commitment laws.

As of 1983 a defense of insanity was recognized by all but two states

Two states — Montana and Idaho — have passed laws that abolish the insanity defense. In Idaho, however, psychiatric evidence is allowed on the issue of intent to commit a crime.

In most states, a formal notice of an intent to rely on the insanity defense must be filed by defendants who wish to claim insanity as a defense. Such defendants enter a plea of not guilty at the time of trial.

Insanity is defined as being unable to distinguish between right and wrong because of a disease or defect of the mind

Colorado statutes define the test for insanity that a jury shall use as: A person who is so diseased

or defective in mind at the time of the commission of the act as to be incapable of distinguishing right from wrong with respect to that act is not accountable. But care should be taken not to confuse such mental disease or defect with moral obliquity, mental depravity, or passion growing out of anger, revenge, hatred or other motives, and kindred evil conditions, for when the act is induced by any of these causes, the person is accountable to the law.

Competency to stand trial and the insanity defense are frequently confused

The issue of insanity refers to the defendant's mental state at the time of the crime while the issue of competency concerns the ability of the defendant to assist in the preparation of his or her defense or to understand the proceedings. For example, a defendant may be found competent to stand trial but be found not guilty by reason of insanity.

If a defendant is mentally incompetent to proceed, a trial is not held until competency is restored

The question of the defendant's competency may be raised by the judge, prosecution, defense or an official from the institution having custody of the defendant.

If the defendant is found, at a hearing, to be incompetent to proceed, he is committed to the custody of the Department of Institutions until he is competent. After competency is restored, the court resumes the trial or sentencing proceedings or orders the sentence carried out. The defendant will be given credit for any time spent in confinement against any term of imprisonment.

A defendant found not guilty by reason of insanity is committed to the Department of Institutions until sane and then released

A plea of not guilty by reason of insanity can be entered by the

defendant or his attorney can inform the court that such a plea is indicated. A plea of not guilty by reason of insanity includes a plea of not guilty.

The issue raised by the plea of not guilty by reason of insanity is tried separately to a different jury than the criminal charge and is tried first.

When the plea is accepted, the court commits the defendant for a sanity examination. Once any evidence of insanity is introduced, the people have the burden of proving sanity beyond a reasonable doubt.

If the defendant is found to have been sane at the time of the commission of the crime, the case is set for trial on the criminal charges. If the defendant is found to have been insane, the defendant is committed to the custody of the Department of Institutions until he is eligible for release.

A new plea of "impaired mental condition" was added to law in 1983

Impaired mental condition means a condition of mind, caused by mental disease or defect, which does not constitute insanity but, nevertheless, prevents the person from forming a culpable mental state which is an essential element of a crime charged.

The procedures are basically the same as for a plea of insanity. If the defendant is found not guilty because of impaired mental condition, he is committed to the custody of the Department of Institutions until he is eligible for release.

Few felony cases result in verdicts of not guilty by reason of insanity or impaired mental condition

Very few cases result in a finding of not guilty by reason of insanity. Only 6 of more than 12,800 felony cases disposed in 1984 resulted in a finding of not guilty by reason of insanity.¹

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¹*Historical review by John Eckler in
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Section 5. Sentencing and corrections

Through sentencing, society expresses its objectives for the correctional process

The sentencing of criminal offenders is a reflection of multiple and often conflicting social objectives

These objectives are:

- **Rehabilitation**—removing or remediating presumed causes of crime by providing economic, psychological, or socialization assistance to offenders to reduce the likelihood of continuing in crime
- **Deterrence**—sanctioning convicted offenders to reduce crime by making the public and the offender aware of the certainty and severity of punishment for criminal behavior
- **Incapacitation**—separating offenders from the community to reduce the opportunity for further commission of crime
- **Retribution**—punishing offenders to express societal disapproval of criminal behavior without specific regard to prevention of crime by the offender or among the general public.

Attitudes about sentencing reflect multiple objectives and other factors

A 1982 public opinion survey of Colorado citizens shows that most citizens believe that the purpose of prison is to incapacitate the offender and to deter potential offenders from committing similar offenses. Less than half of the respondents believe that prisons should be used to rehabilitate offenders.

Purpose of Prison	Agree
Incapacitation	92%
Deterrence	71
Rehabilitation	46
Retribution	27

Fairness and equity are goals of most sentencing laws

- **Fairness**—the severity of the punishment should be commensurate with the crime
- **Equity**—like crimes should be treated alike
- **Social debt**—the severity of punishment should take into account prior criminal behavior.

Sentencing reforms of the 1970's took two approaches: administrative and statutory

The administrative approach called on judges and parole boards to accept and apply voluntary guidelines for the kind and duration of punishment to be imposed on offenders for each type of crime and to regularize the sentencing adjustments made for such factors as the seriousness of the offense and the offender's criminal record.

The statutory approach called for laws that specify mandatory prison terms for specific crimes and fixed terms of imprisonment for certain classes of crimes.

Reforms of the 1970's sought to:

- Clarify the aims of sentencing
- Reduce disparity and discretion
- Channel limited resources into a more predictable penalty system
- Provide sanctions consistent with the "just deserts" concept.

Between 1975 and 1982:

- 10 states, beginning with Maine, abolished their parole boards
- Several states established administrative guidelines for determining parole release to minimize disparities in the length of prison stay
- More than 35 states enacted laws that require minimum sentences to incarceration for specified crimes
- Many states began to experiment with new forms of sentencing guidelines designed by the judiciary or by appointed sentencing commissions.

Changes in sentencing have resulted in changes in correctional practices

Many of the sentencing reforms have led to changes in the way correctional systems operate.

- The growth of determinate and mandatory sentences over the past decade and dissatisfaction with the uncertainties of indeterminate sentences (particularly the concept of linking sentence

duration to rehabilitative progress or predictions of future behavior by paroling authorities) have led, perhaps most important, to modifications of the parole decision. Many states are experimenting with parole guidelines systems and amendments to good-time and other incentives for controlling behavior during confinement and determining a release date.

- New administrative requirements also have been attached to such traditional correctional practices as collecting victim restitution funds; imposing fees for probation supervision, room and board and services provided; and operating community-service punishments.

- The various sentencing reforms have led to small changes in the correctional clientele, such as lowering the age of juvenile court jurisdiction in some states; enactment of guilty but mentally ill provisions in a few states; and, in a small number of jurisdictions, the recent advent of laws providing for life sentences without parole.

States primarily use three strategies for sentencing

- **Indeterminate sentences** usually provide a minimum and a maximum term, either of which may be reduced by "good time" (time credits gained by inmates for good conduct or special achievement) or by a decision of the paroling authorities. The maximum sentence may be set as a range (for example, 5 to 10 years) rather than a specific number of years.

- **Determinate sentences** usually provide a fixed term that may be reduced by good time or parole. Judicial discretion may be available to grant probation or suspend the sentence. Sentencing laws generally provide a maximum (or a range) for sentence duration. Determinate systems are usually based on a definite length for a sentence that can be increased or decreased for aggravating or mitigating factors or on guidelines that define sentence lengths, deviations from which must be justified by sentencing judges.

- **Mandatory prison sentences** are defined by law and must be given upon conviction; the judge is not permitted to grant probation or to suspend the sentence.

Most states apply a combination of sentencing strategies

Many states may have a predominate orientation toward one strategy (for example, indeterminate) and require another strategy (for example, mandatory sentences) for specific offenses. The strategies utilized by states are constantly evolving, thus complicating overall classification. As of September 1981, for example, some states that required mandatory prison sentences for certain offenses used a predominately indeterminate strategy while others used a determinate strategy.

Most states have some mandatory sentencing provisions

	Type of sentencing	Mandatory sentencing	Mandatory offenses
Alabama	Determinate	Yes	Repeat felony
Alaska	Determinate, presumptive	Yes	Murder, kidnaping, firearms, repeat felony
Arizona	Determinate, presumptive	Yes	Firearms, prior felony convictions
Arkansas	Determinate	Yes	Robbery, deadly weapons
California	Determinate, presumptive	No	
Colorado	Determinate, presumptive	Yes	Violent crime, habitual offender
Connecticut	Determinate	Yes	Sex assault with firearm, burglary, repeat felony, assault on elderly
Delaware	Determinate	Yes	Murder, kidnaping, prison assault, robbery, narcotics, deadly weapon, habitual criminal, obscenity, others
Florida	Indeterminate	Yes	Drug
Georgia	Determinate	Yes	Armed robbery, burglary, drugs
Hawaii	Indeterminate	No	
Idaho	Determinate	Yes	Firearm, repeat extortion, kidnap or rape with bodily injury
Illinois	Determinate	Yes	Major offenses, specified felonies and offenses, repeaters, weapons
Indiana	Determinate, presumptive	Yes	Repeat felony, violent crime, deadly weapons
Iowa	Indeterminate	Yes	Forcible felonies, firearms, habitual offenders, drugs
Kansas	Indeterminate	Yes	Sex offense, firearms
Kentucky	Indeterminate	No	
Louisiana	Indeterminate	Yes	Drugs, violent crime
Maine	Determinate	No	
Maryland	Determinate, guidelines	Yes	Repeat violent offenders, handgun
Massachusetts	Indeterminate	Yes	Firearm, auto theft, drug trafficking
Michigan	Indeterminate	Yes	Murder, armed robbery, treason, firearms
Minnesota	Guidelines	No	
Mississippi	Determinate	Yes	Armed robbery, repeat felony
Missouri	Determinate	Yes	Dangerous weapon, repeat felony
Montana	Indeterminate	Yes	Firearms
Nebraska	Indeterminate	No	
Nevada	Determinate	Yes	2nd degree murder, 1st degree kidnaping, sexual assault, firearm, repeat felony
New Hampshire	Indeterminate	Yes	Firearms
New Jersey	Determinate, presumptive	Yes	Sexual assault, firearms
New Mexico	Determinate, presumptive	Yes	Firearms
New York	Indeterminate	Yes	Specified violent and nonviolent felonies
North Carolina	Determinate, presumptive	Yes	Armed robbery, 1st degree burglary, repeat felony with firearm
North Dakota	Determinate	Yes	Firearm
Ohio	Indeterminate	Yes	Rape, drug trafficking
Oklahoma	Determinate	Yes	Repeat felony
Oregon	Guidelines, indeterminate	Yes	Drugs
Pennsylvania*	Guidelines, indeterminate	Yes	Selected felonies with firearms, within 7 years of prior convictions, in or near public transportation
Rhode Island	Indeterminate	No	
South Carolina	Determinate	Yes	Armed robbery, drugs, bomb threat
South Dakota	Indeterminate	No	
Tennessee	Determinate, indeterminate	Yes	Specified felonies, firearms, repeat felony
Texas	Determinate	Yes	Repeat felony, violent offenses
Utah	Indeterminate	No	
Vermont	Indeterminate	Yes	Drugs, violent crime
Virginia	Indeterminate	No	
Washington	Indeterminate	Yes	Firearms, rape, repeat felony
West Virginia	Indeterminate	Yes	Firearms in felony
Wisconsin	Indeterminate	No	
Wyoming	Indeterminate	No	

*Pennsylvania updated as of December 1982.

Sources: A survey of mandatory sentencing in the U.S., Richard S. Morell, Craig Edelman, Roy Willoughby, Pennsylvania Commission on Crime and Delinquency, September 1981. *Judicial and executive discretion in the sentencing process: Analysis of felony State code provisions*, Criminal Courts Technical Assistance Project (Washington, American University, January (1982)). *A national survey of parole-related legislation*, Michael Kanvensohn, (San Francisco: Uniform Parole Reports, December 1979).

Colorado passed a determinate sentencing law in 1979

Most offenders who commit an offense after July 1, 1979, are sentenced under the determinate sentencing law.

Determinate sentencing provisions require the judge to give a definite sentence within a range defined by law

The sentence imposed by the judge must fall within the range for the offense unless aggravating or mitigating circumstances are involved. In imposing the sentence the court must consider:

- The nature and elements of the offense
- The character and criminal record of the offender
- All aggravating or mitigating circumstances surrounding the offense and the offender.

The prediction of future criminal behavior of the defendant, unless based on prior criminal conduct, shall not be considered in determining the length of the sentence.

The ranges within which a judge may sentence an offender to prison are:

Class	Sentence
1	Life imprisonment or death
2	8-12 years
3	4-8 years
4	2-4 years
5	1-2 years

A new law gives judges more discretion on sentence length

A law passed by the legislature in 1985 doubles the maximum sentence in the presumptive range. The new sentencing ranges for crimes committed on or after July 1, 1985, are:

Class	Sentence
1	Life imprisonment or death
2	8-24 years
3	4-16 years
4	2-8 years
5	1-4 years

A greater or lesser sentence may be imposed if aggravating or mitigating circumstances exist

If the court finds any of the following aggravating circumstances present and the defendant is sentenced to prison, the court must impose a sentence greater than the presumptive range but not more than twice maximum:

- Conviction for a crime of violence
- Defendant was on parole, probation, and/or bond for another felony at the time of commission of the felony
- Defendant was in a correctional facility as a convicted felon or was an escapee at the time of the commission of the present felony
- Other aggravating circumstances determined by the court.

The court may impose a sentence of not less than one-half the minimum sentence in the range if mitigating circumstances exist in the case. Mitigating circumstances are those that minimize or explain the defendant's involvement in the crime.

Few misdemeanants are sentenced to prison

Misdemeanants may be sentenced to prison only if concurrently sentenced for a felony conviction.

Sentences for misdemeanors may include the imposition of a fine in addition to incarceration.

Class	Confinement	Fine
1	6 months-2 years	\$500-\$5,000
2	3 months-1 year	\$50-\$1,000
3	6 months	\$50

Class 1 felonies are the most serious, misdemeanors the least serious

Offense class Type of offense

Class 1 felony First degree murder, first degree kidnapping (victim injured)

Class 2 felony Second degree murder, first degree kidnapping, first degree sexual assault (rape), burglary of a pharmacy, aggravated robbery of drugs, criminal abortion (death of woman occurs)

Class 3 felony First degree assault, first or second degree arson, first degree burglary (occupied building), aggravated robbery of the elderly or disabled, theft of property (over \$10,000), motor vehicle theft (over \$10,000), defrauding a secured creditor (over \$10,000)

Class 4 felony Manslaughter, second degree assault, second degree kidnapping, second or third degree sexual assault, sexual assault on a child, second degree arson (over \$100 damage), robbery, theft of property (over \$200, less than \$10,000), motor vehicle theft (under \$10,000), theft by receiving (\$200 to \$10,000), criminal mischief, first or second degree forgery, fraudulent use of a credit device, fraud by check (over \$200), defrauding a secured creditor (\$200 to \$10,000), criminal abortion

Class 5 felony Vehicular assault, menacing, violation of custody, third degree burglary, possession or burglary tools, first degree criminal trespass, criminal possession of forgery instrument, criminal impersonation, commercial bribery, bigamy

Misdemeanors Criminally negligent homicide, third degree assault, menacing, reckless endangerment, false imprisonment, sexual assault without force, arson (under \$100 damage), theft (under \$200), joyriding, criminal tampering, defacing property, abandonment of a motor vehicle, third degree forgery, theft of credit device, issuance of a bad check.

How does the public feel about sentencing and corrections?

Police are rated the highest by the public, judges the lowest

Rating	Police	District attorney	Judges	Public defender
Excellent	8%	2%	3%	3%
Good	51	33	22	36
Fair	30	42	43	42
Poor	6	14	19	9
Very poor	1	4	9	3
Undecided	4	5	5	7

Source: DCJ, Public Opinion Survey, 1984

More than 70% of Colorado citizens feel that sentences imposed by judges are too lenient

When asked on a survey of Colorado citizens how they felt about sentences imposed by judges, respondents expressed the following opinions:

Extremely severe	1%
Moderately severe	4
About right	21
Moderately soft	57
Extremely soft	14
Don't know	4

Source: DCJ, Public Opinion Survey, 1984

Three-fourths of the public feel too many people are free on bail while awaiting trial

But only 18% of the citizens surveyed feel that too many people are being held in jail simply because they cannot afford to pay bail.

When given a similar situation, the public would give softer sentences than judges

A 1984 public opinion survey presented a sample of citizens and judges with 14 crime situations. In 10 out of the 14 cases, a greater proportion of judges would have sentenced the offender to prison than would the citizens. In three of the other situations the defendant was a mother with children and the judges would make greater use of community corrections in these cases. The judges would also give longer sentences in 12 out of the 14 cases.

The public would be willing to pay higher taxes if it would reduce the number of offenders

Citizens surveyed were asked, "If a program were developed that cut the number of offenders in half, I would be willing to pay more tax to support it."

Strongly agree	30%
Agree	39
Neither agree nor disagree	20
Disagree	7
Strongly disagree	4

Source: DCJ, Public Opinion Survey, 1984

More than half of Colorado citizens feel more prisons and jails are needed

Colorado citizens were asked if they feel that the number of state prisons and local jails that now exist are adequate to meet our needs now and for the next 10 years.

	Now	Future
Prisons		
Strongly agree	4	3
Agree	18	6
Neutral	22	20
Disagree	45	43
Strongly disagree	10	28
Jails		
Strongly agree	3	2
Agree	17	7
Neutral	27	24
Disagree	45	47
Strongly disagree	8	20

Source: DCJ Public Opinion Survey, 1982

The preferred methods of financing new prisons and jails are alcohol and tobacco, business and sales taxes

Type of tax	Favor
Alcohol and tobacco	61%
State sales	16
State business income	14
State personal income	5
Residential property	3

Source: DCJ, Public Opinion Survey, 1984

More than 85% of the citizens in Colorado favor the death penalty

The citizens responding to the public opinion survey overwhelmingly support the death penalty.

Favor strongly	59%
Favor somewhat	26
No opinion	5
Oppose somewhat	5
Oppose strongly	5

Source: DCJ, Public Opinion Survey, 1984

What sentencing alternatives are available in Colorado?

Judges are given a wide range of discretion in sentencing offenders

- **Death penalty**—offenders can be executed if convicted of a Class 1 felony
- **Incarceration**—a convicted criminal can serve a sentence in a state-operated prison or in a county jail. Offenders sentenced to less than a year are usually held in a local jail; those with longer terms are committed to the state prison
- **Community corrections program**—offender may be sentenced to a residential or nonresidential community corrections program, usually in or near the offender's community. Offenders usually work or attend school during the day and attend alcohol and drug treatment, mental health counseling and training in social skills during non-working hours.
- **Probation**—the sentencing of an offender to community supervision by a probation agency, often as a result of suspending a sentence to confinement. Such supervision normally entails the provision of specific rules of conduct while in the community. If violated, a sentencing judge may impose a sentence to confinement. It is the most widely used correctional disposition both in Colorado and in the United States
- **Split sentences and shock probation**—the convicted person serves a short period in prison or jail (the shock), followed by a period of probation
- **Restitution**—the requirement that the offender provide financial remuneration for the losses incurred by the victim. As a condition of probation, the court must require that the defendant make restitution to the victim for actual damages sustained. The amount of restitution may be modified or waived if it will work an undue hardship on the defendant or his family
- **Community service**—the requirement that the offender provide a specific number of hours of public service work, such as collecting trash in parks or work in public facilities. Community

service is a part of the sentence for all those convicted of drunk driving

- **Fines**—a penalty that requires the offender to pay a specific sum of money within the limit set by law. Fines can be imposed for most crimes except felonies and are often used for traffic and minor offenses. Fines are often used in conjunction with other sentencing options.

The legislature limits judges' sentencing options for certain offenders

Certain serious offenders are prohibited from being placed on probation or in community corrections programs. Other offenders are required by law to be sentenced to prison and the judges' discretion on length of sentence may also be restricted.

A person who has been convicted on two prior felonies may not be granted probation

An offender is not eligible for probation if he or she has been convicted of a Class 1 felony or a Class 2 petty offense (very minor offense).

Also, a person convicted of two felonies in Colorado or another state prior to the current conviction is not eligible for probation.

Violent offenders may not be placed in community correctional facilities

An offender accused of or convicted of committing a crime of violence or a Class 1 misdemeanor in which a deadly weapon was used may not be sentenced to a community correctional facility. The corrections board, which is appointed by the local unit of government, has the authority to accept, reject, or reject after acceptance the placement of any offender in its community correctional program.

Mandatory prison sentences are required for those convicted of violent crimes

A violent crime is defined as:

- a crime in which the defendant used or possessed and threatened the use of a deadly weapon while committing or attempting to commit a crime against an elderly or handicapped person or a crime of murder, first- or second-degree assault, kidnapping, sexual assault, robbery, first-degree arson, first- or second-degree burglary, escape or criminal extortion or during the flight therefrom
- a crime in which the defendant caused serious bodily injury or death to any person, other than himself or another participant, during the commission or attempted commission of any of the crimes listed above
- Any unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.

If a specific finding is made by the jury, or the court if there is not a jury trial, that a violent crime was committed, the judge must sentence the defendant to prison for a term greater than the maximum of the sentencing range but not more than twice the maximum. However, the court may review the sentence within 90 days and may modify the sentence after the offender has served at least 120 days in prison.

Murderers can be sentenced to death or life imprisonment

The jury shall decide whether to impose a sentence of death or life imprisonment in a case where the defendant has been convicted of a Class 1 felony. The verdict of the jury to sentence to death must be unanimous and is binding on the court unless the court documents in writing that the verdict of the jury was clearly erroneous as contrary to the weight of the evidence. The issue of punishment is determined at a separate

sentencing hearing after the trial. If a jury trial was waived or if the defendant pleaded guilty, the hearing is conducted before the trial judge.

Convicted sex offenders can be held in prison for the rest of their natural lives

Persons convicted of sexual assault, sexual assault on a child, or aggravated incest may be sentenced by the court to an indeterminate sentence in prison, having a minimum of one day and a maximum of his or her natural life.

If the court finds beyond a reasonable doubt that the defendant, if at large, constitutes a threat of bodily harm to members of the public, the judge may sentence the defendant to prison for an indeterminate term.

This finding must be based on psychiatric evaluations and on evidentiary hearing.

Habitual offenders are severely punished

Offenders convicted of a Class 1, 2 or 3 felony who have been convicted of two felonies in the past 10 years must be sentenced to prison for 25-50 years.

Offenders convicted of any felony who have been convicted of three prior felonies must be sentenced to prison for the rest of his or her natural life.

An habitual-offender charge requires proof of the previous felonies and a separate sentencing hearing.

Habitual burglars must be sentenced to prison

Every person convicted of a first- or second-degree burglary, who has been convicted of a similar offense in the past 10 years is an habitual-burglary offender. The court must sentence this offender to prison for a term greater than the maximum in the presumptive range, but not more than twice the maximum. If the defendant has been convicted of two or more felonies he or she

must be sentenced to prison for the rest of his or her life.

Community sentencing options are used for most offenders

Alternative	Sentenced
Probation	47%
Probation with jail term	8
Community corrections	8
Jail term	7
Prison sentence	22
Suspended sentence	1
Other sentence	3

Source: DCJ, Court Database, 1983-84

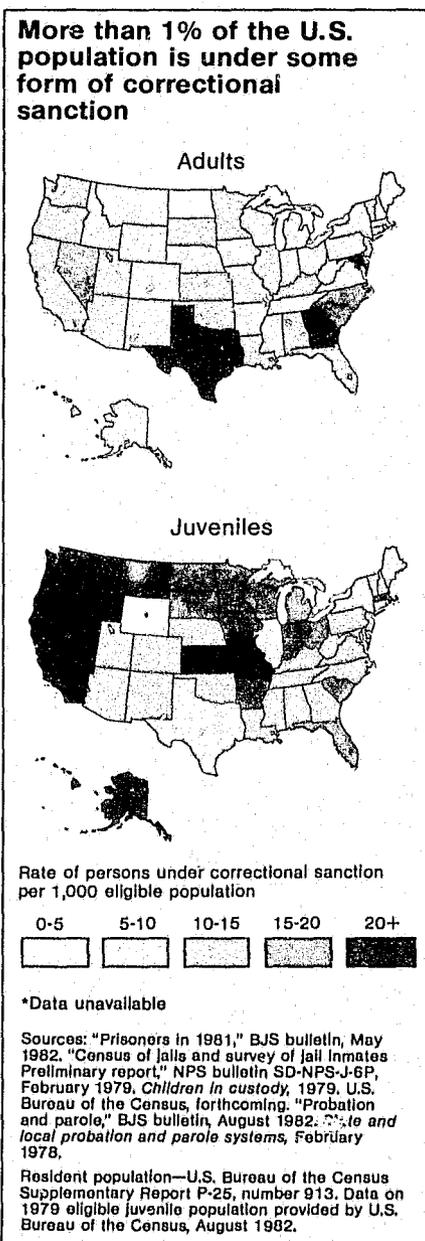
The proportion of convicted felons sentenced to prison has increased in recent years

In 1979-80, approximately 15% of the people convicted of a felony in Colorado were sentenced to prison. In 1983-84, 22% of the convicted felons received a prison sentence.

Colorado holds a higher proportion of juveniles in confinement than the national average

	U.S.	Colorado
Adults		
Confined	27%	24%
Community	73	76
Juveniles		
Confined	16	24
Community	84	76

Source: Bureau of Justice Statistics, Report to the Nation, 1983



When given the same set of circumstances, sentences judges would impose on the defendant vary greatly

In a 1980 and a 1985 survey, judges were presented with descriptions of five cases. The offenders, victims, nature of the offenses and any mitigating or aggravating circumstances were described for each case. The findings from the surveys include:

- Given the same set of circumstances, the sentences judges would give vary greatly
- The prison sentences that judges would impose were approximately six months longer in 1985 than in 1980 for the same cases
- Most of the judges felt that the sentencing ranges provided by law were adequate for the situations described.

The variation in sentences judges would give in two of the five cases is shown on the following page.

In what type of facilities are prisoners held?

Confined offenders are housed in three types of facilities

- **Jails** are operated by the counties in Colorado to hold persons awaiting trial or those sentenced to confinement. Offenders sentenced to jail are usually convicted of minor offenses and traffic violations and serve sentences from several days up to a year. Several of the small counties contract with surrounding counties for jail services. Many cities also operate jails to temporarily hold people who are arrested until they are released or transported to the county jail. There are 54 fully operational county jails and 48 temporary holding facilities in the state. In FY 1981/82, approximately 120,500 were admitted to county jails, with an average daily population of almost 3,000.

- **Community-based facilities** are operated publicly or privately (under contract) to hold persons in the community and to provide opportunities to the offenders for work, to attend school and to obtain other community services. A judge may sentence an offender convicted of a nonviolent misdemeanor or felony to a residential or nonresidential community corrections program. A person charged with a non-violent offense and granted a deferred prosecution or sentence may be required to participate in a community corrections program as a condition thereof. Offenders being released from prison may also spend time in such a program to facilitate their transition back into the community.

A community corrections board appointed by the local unit of government advises the program and has the authority to accept or reject the placement of any offender. As of June 1984, there were community corrections boards in 19 of the 22 judicial districts. In FY 1983-84, 1,500 offenders were sentenced to residential and 400 to non-residential community corrections

programs by the courts for diversion services and 769 offenders were provided transitional services prior to release from prison.

- **Prisons** are operated by the state to hold persons sentenced under state laws. The Colorado Department of Corrections operates 15 correctional facilities, ranging from maximum security to community centers. Total capacity of these facilities is 3,255. New admissions to the Department of Corrections in 1984 were 2,343.

Many jails in Colorado are inadequate

Year built	Number
Before 1909	5
1910-1929	7
1930-1949	7
1950-1969	22
1970-Present	18
Condition	Percent
Crowded	41
Inadequate separation of inmates	50
Do not have exercise area	50
Do not have staff on duty 24 hours per day	33
Do not have smoke or fire alarms	41
Inadequate air circulation	28
Do not provide complete separation of adults and juveniles	54

Source: Division of Criminal Justice (DCJ), Colorado Jails, 1982

Two out of every three jails have a capacity of 25 or fewer prisoners

Many of the jails are very small. One-third of the fully operational jails have a capacity of 10 or fewer prisoners. It is often very difficult to provide adequate services, staff and separation of prisoners (male/female, adult/juvenile, etc.) in these small facilities. Only seven jails have capacities in excess of 100 persons.

145 law suits were filed against 24 jails between 1979 and 1983

Conditions included in suit	Number of suits
Medical	80
Food	51
Crowding	51
Law library	50
Exercise	49
Space	48
Mail	33
Ventilation	23
Lighting	19
Classification	17
Telephone	16
Staffing	14
Mental health	11
Education/Rehab.	11

Note: more than one condition was included in most suits

Source: DCJ Survey of Sheriffs, 1983

Jails house diverse populations

A 1982 study of Colorado jails showed that 77% of the prisoners were pretrial detainees; 13% were sentenced; and 10% were other holds, such as mental-health holds and holds for other jurisdictions. Colorado jails hold a much lower proportion of convicted prisoners than the national average of 43 percent.

State prisoners are being held in county jails because of overcrowded conditions in state prisons

On April 30, 1985, 172 state prisoners were in county jails awaiting transport to the Department of Corrections. The Department of Corrections implemented the reservation system for accepting new prisoners in the summer of 1982.

Beginning July 1, 1985, the Department of Corrections is required by law to pay counties \$16 per day for holding state prisoners. Before this date, counties were not reimbursed by the state for holding prisoners awaiting transport to a state prison facility.

How many people are in prison?

Colorado's incarceration rate is below the national average

Incarceration rates per 100,000 population in 1984 varied from a high of 380 in Nevada to a low of 52 in Minnesota. The incarceration rate in Colorado was 104 compared to a national average of 188. Thirty-eight states had an incarceration rate higher than Colorado and 11 states had a lower rate.

Different parts of the county have very different incarceration rates

The southern states have the highest incarceration rates while the New England states have the lowest. Since minorities are over represented in prison populations, states with large minority populations tend to have higher incarceration rates.

The average length of stay in Colorado prisons is just under the national average

The average length of stay in Colorado prisons is just over two years. This is approximately 1½ months less than the national average of 25.6 months.

Almost a third of the total commitments to prison are sentenced in Denver

Denver is the largest judicial district and sentences the greatest number of offenders to prison. Denver also has the highest rate of commitments per 100,000 population in the state. In FY 1982-83, the rate of commitment for Denver was 111 compared to a state average of 86 commitments per 100,000 population. The next highest rate after Denver was 72 in the 21st judicial district (Grand Junction). The lowest rate was 22 in Boulder. Denver is the only judicial district in which all of the population resides in an urban area where crime rates are higher.

Rates of incarceration vary from 52 to 380 inmates per 100,000 population

	Average daily population	Inmates per 100,000 population	Average length of stay (months)
United States	417,142	188	25.6
Northeast			
New England			
Maine	1,032	72	23.4
New Hampshire	440	57	16.0
Vermont	550	74	N/A
Massachusetts	4,611	84	21.6
Rhode Island	1,145	92	16.2
Connecticut	5,136	119	N/A
Middle Atlantic			
New York	29,992	187	27.7
New Jersey	8,789	138	N/A
Pennsylvania	11,208	109	26.2
Midwest			
East North Central			
Ohio	17,372	174	N/A
Indiana	9,030	165	23.0
Illinois	14,230	149	14.0
Michigan	14,506	161	36.0
Wisconsin	4,667	105	N/A
West North Central			
Minnesota	2,303	52	22.3
Iowa	2,825	97	23.0
Missouri	7,797	175	31.8
North Dakota	400	54	18.0
South Dakota	824	127	17.0
Nebraska	1,700	95	25.0
Kansas	3,160	173	16.1
South			
South Atlantic			
Delaware	1,826	263	N/A
Maryland	11,563	285	26.0
Virginia	9,355	185	32.5
West Virginia	1,601	82	N/A
North Carolina	16,470	246	15.0
South Carolina	9,622	284	22.0
Georgia	15,139	254	N/A
Florida	27,025	242	22.4
East South Central			
Kentucky	4,131	128	N/A
Tennessee	8,038	154	23.0
Alabama	6,858	256	26.0
Mississippi	4,592	229	28.0
West South Central			
Arkansas	3,909	188	N/A
Louisiana	9,858	310	98.4
Oklahoma	6,738	236	14.1
Texas	36,845	226	28.0
West			
Mountain			
Montana	798	121	20.3
Idaho	1,099	127	33.7
Wyoming	651	143	23.5
Colorado	3,251	104	24.2
New Mexico	1,820	133	N/A
Arizona	6,326	247	22.1
Utah	1,310	84	21.5
Nevada	2,963	380	N/A
Pacific			
Washington	6,633	156	23.5
Oregon	3,427	170	26.6
California	35,850	162	26.1
Alaska	1,356	252	N/A
Hawaii	1,471	124	41.2
Federal	29,718	12	15.9

Sources: Bureau of Justice Statistics, Bulletin, Prisoners in 1984
Criminal Justice Institute, Inc., The Corrections Yearbook, 1984

Admission to prison are from several sources

Type of Admission - 1984	Male	Female	Total
New court commitments	1,778	95	1,873
Parole violators with new sentences	66	2	68
Other conditional release violators with new sentences	7		7
Parole violators with no new sentence	179	11	190
Other conditional release violators, no new sentences	18	1	19
Transfers from other jurisdictions	5		5
Escapee returns	157	14	171
Returns from appeal/bond	8		8
Other admissions	2		2
Total admissions	2,220	123	2,343

Source: Department of Corrections (DOC), Summary of Sentenced Population Movement, 1984

Most releases from prison are conditional releases with parole supervision

Type of release 1984	Male	Female	Total
Unconditional			
Expirations of sentence	70	3	73
Conditional			
Probation	75	5	80
Parole	1,841	89	1,930
Death			
Illness/natural causes	2		2
Suicides	1		1
Death caused by another person	2		2
Other			
Escapes	178	15	193
Transfers to other jurisdictions	10		10
Releases to appeal/bond	13	1	14
Other releases	45	6	51
Total	2,237	119	2,356

Source: DOC, Summary of Population Movement, 1984

More than half of the inmates in prison are sentenced for committing a violent offense

A profile of Colorado's prisoners in 1984 shows that:

- 51% are in prison for a violent offense (homicide, rape, robbery, kidnapping, assault or arson)
- 66% have prior felony convictions
- 24% have prior violent felony convictions

- 58% were first arrested at age 17 or younger and 49% were arrested for a felony as a juvenile
- 49% have been convicted of a violation of the penal code during their current incarceration.

At least 19% of the offenders in Colorado prisons are low risk offenders

When two different risk assessment scales were applied to a sample of the 1984 Colorado prison population, at least 19% were scored as low risk on both the scales. The two scales used were the Michigan Assaultive Risk Scale and the Rand Corporation's Selective Incapacitation Scale. This 19% of the population is likely to be of low risk to the public.

Some prison inmates will be held in less restrictive facilities

Prison inmates are given a custody classification based on their need for supervision and program involvement. The custody classification is intended to prevent both violence within correctional institutions and escapes from them, and to permit the rational allocation of staff, housing space and program resources.

The Department of Corrections implemented a new custody classification system during the spring and summer of 1985. Under the new classification system, more inmates are expected to be given lower custody classifications based on an assessment of risk.

The new classification system is a modification of the National Institute of Corrections (NIC) classification model. Applying the NIC model to a sample of inmate population (November 1984) would reduce security levels even further.

Security Level	1984	Proposed 1985	NIC Model
Maximum/close	43%	34%	20%
Medium	26	38	22
Minimum	24	27	58
Community	7	10	

Source: A Profile of Colorado's Prisons: Custody Needs and Public Risk. Colorado Prison Overcrowding Project, 1983 and 1985.

Prison sentences for most inmates are much longer than the actual time they will serve

Most prisoners serve about half of their sentence because of time off for good behavior

Each person sentenced for a crime committed on or after July 1, 1979, who is sentenced under the determinate sentencing law is eligible to receive good-time deductions from their sentence. One day of good time is earned for each day of time served if the offender's conduct indicates that he has substantially observed all the rules and regulations of the institution or facility in which he has been confined and has faithfully performed the duties assigned to him.

The inmate may be eligible for a deduction of an additional one month of earned time for every six months served if substantial progress is made in work and training programs, group living, counseling and programs established by the diagnostic center.

Offenders sentenced to prison are also given credit for time spent in local jails awaiting trial and sentencing.

The law related to how often good time and earned time will vest has changed several times since the law originally passed in 1979

Once time is vested, it cannot be taken away for misconduct. The changes have given the Department of Corrections more flexibility to withhold good or earned time. For an inmate sentenced for a crime committed on or after July 1, 1985, good time and earned time no longer vest.

A new sentencing law will make the length of time served less definite

A new sentencing law which became effective on July 1, 1985, returns more authority for release of prisoners to the parole board. Under the new law, inmates will still be eligible for good time and earned time. But

instead of an automatic release after he has served his sentence less deductions for good and earned time, the inmate is now

eligible for parole. The parole board will decide whether or not to release the offender and, if released, the length of parole.

Most offenders sentenced to prison are given a determinate sentence

Class	Crime	Number	Average Sentence in Years
2	Total Class 2	60	13.5
	Second-degree murder	34	13.8
	First-degree sexual assault	10	14.2
	All remaining Class 2	16	12.8
3	Total Class 3	339	6.4
	Controlled substance	41	4.9
	First-degree sexual assault	25	8.8
	First-degree assault	27	8.0
	Aggravated robbery	106	6.7
	Second-degree burglary of dwelling	88	5.6
	Theft	18	6.7
	All remaining Class 3	34	6.1
4	Total Class 4	742	3.4
	Fraud by check	12	2.9
	Manslaughter	27	3.9
	Sexual assault on child	40	3.9
	Second-degree sexual assault	18	3.5
	Second-degree burglary	157	3.5
	Theft	156	3.1
	Robbery	66	3.7
	Criminal mischief	13	2.7
	Second-degree assault	63	3.2
	Second-degree forgery	64	3.2
	Controlled substance	29	3.0
	Aggravated motor vehicle theft	24	3.0
	Vehicular homicide	12	3.4
	Attempt to commit Class 3	13	4.6
	Conspiracy to commit Class 3	11	5.1
All remaining Class 4	37	3.7	
5	Total Class 5	562	2.0
	Theft	12	1.9
	First-degree criminal trespassing	97	2.0
	Menacing	40	2.0
	Driving after judgement	11	1.4
	Criminal attempt	11	1.9
	Controlled substance	29	1.5
	Criminal impersonation	10	2.2
	Attempt to commit Class 4 or 5	253	2.0
	Conspiracy to commit Class 4 or 5	56	2.1
	All remaining Class 5	43	1.8
Indeterminate sentences (Class 1, habitual, sex offenders, misdemeanors, etc.)		95	N/A
Total Court Admissions, FY 1982-83		1,798	

Source: Department of Corrections, Annual Statistical Report, FY 1982-83

Sentencing in Denver

Most convictions in Denver are the result of an offender pleading guilty

In 93% of the cases that result in a conviction in Denver, the defendant pled guilty. Only 7% of the convictions are the result of a jury trial.

Case processing time is longer if the defendant pleads innocent and the average time from the date of the offense to disposition is longer.

Plea	Average time to Disposition
Guilty	127 days
Innocent, not convicted	210 days

Most convictions for UCR Index crimes in Denver in 1983 resulted in a probation sentence

Sentence type	Corrections
Probation (including community corrections)	58%
Jail	1
Prison	41

Approximately 5% of the sentences in 1983 in Denver for UCR Index Crimes included a sentencing enhancement

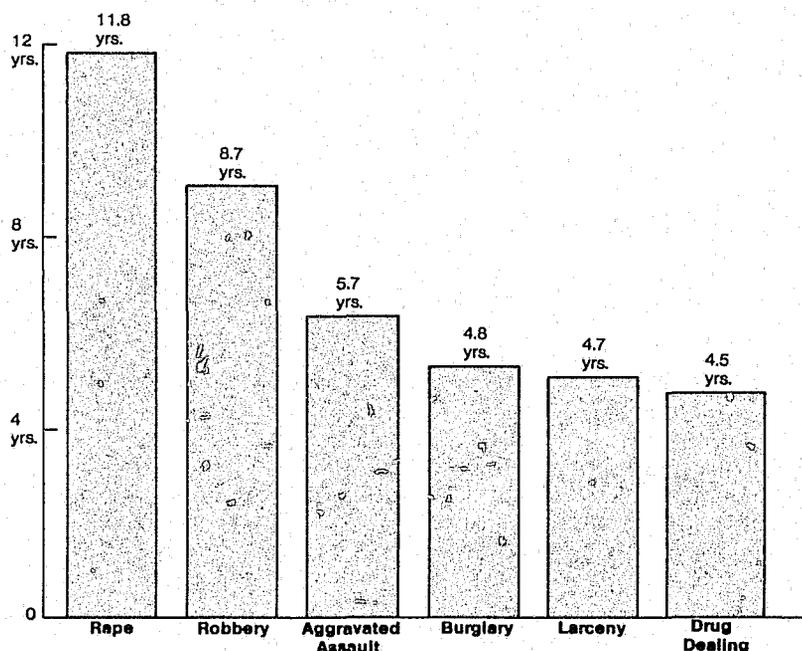
If a specific finding is made that the defendant is a violent offender or a habitual offender, the judge must sentence him to prison and give him a sentence which exceeds the maximum in the sentencing range or a life sentence. Approximately 5% of the UCR Index Crimes in Denver resulted in an enhanced-sentence term of 10.4 years compared to 5.7 years in cases without the enhancement.

Denver district court has a higher rate of commitment to prison than any other district in Colorado

Judicial Districts	Counties	1983 Population	Rate per 100,000 Population
1st	Gilpin, Jefferson	411,096	53
2nd	Denver	500,078	111
3rd	Huerfano, Las Animas	21,665	0
4th	El Paso, Teller	341,551	62
5th	Clear Creek, Eagle, Lake, Summit	45,404	57
6th	Archuleta, La Plata, San Juan	36,135	44
7th	Delta, Gunnison, Hinsdale, Montrose, Ouray, San Juan	66,279	32
8th	Jackson, Larimer	162,533	41
9th	Garfield, Pitkin, Rio Blanco	50,831	57
10th	Pueblo	123,920	46
11th	Chaffee, Custer, Fremont, Park	50,906	61
12th	Alamosa, Conejos, Costilla, Mineral, Rio Grande, Saguache	39,094	59
13th	Kit Carson, Logan, Morgan, Phillips, Sedgewick, Washington, Yuma	74,413	39
14th	Grand, Moffat, Routt	39,841	38
15th	Baca, Cheyenne, Kiowa, Prowers	22,868	39
16th	Bent, Crowley, Otero	30,515	46
17th	Adams	263,769	51
18th	Arapahoe, Douglas, Elbert, Lincoln	380,582	40
19th	Weld	129,519	29
20th	Boulder	209,708	22
21st	Mesa	98,058	72
22nd	Dolores, Montezuma	19,929	60
State		3,118,719	86

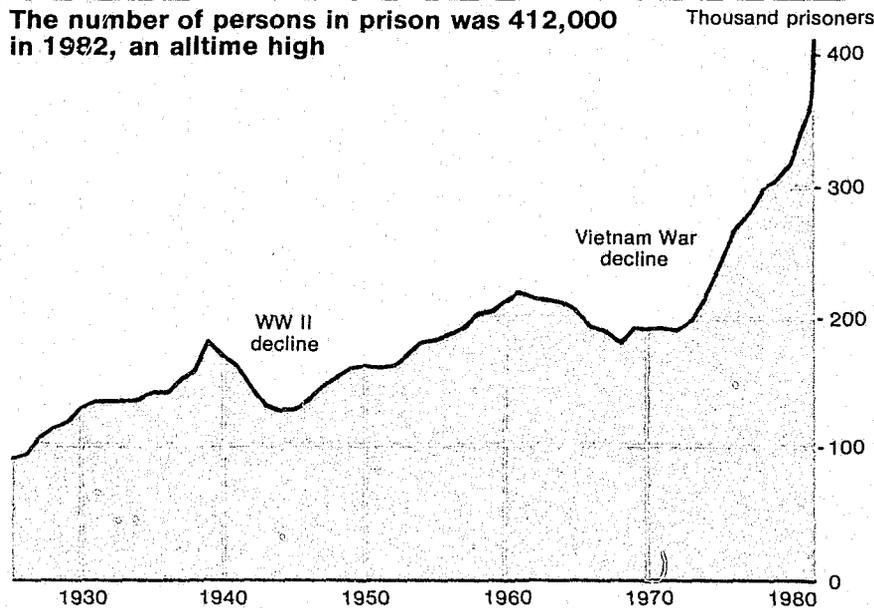
Sources: Colorado Division of Local Government, Population Data: Estimated 1982
Colorado Judicial Department, Sentencing Trends, 1982-1984

The average prison sentence for rape in Denver in 1983 was longer than for robbery or aggravated assault

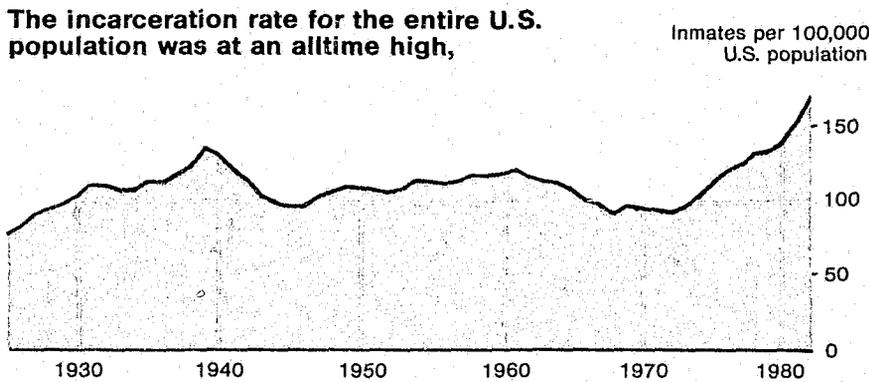


Source: Denver Department of Safety

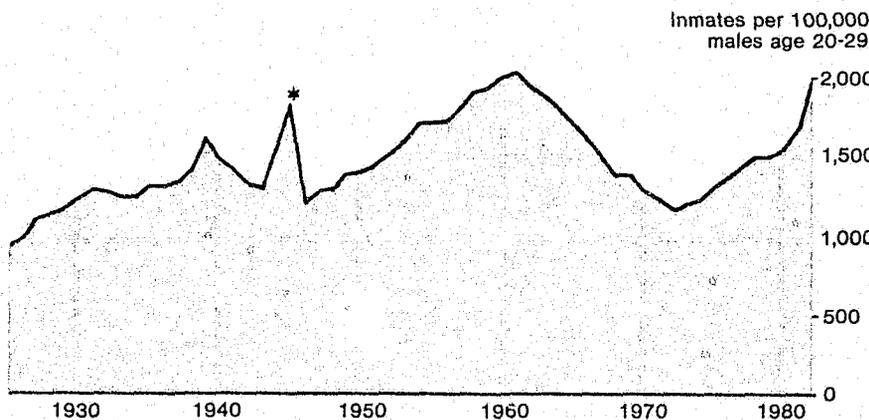
What are the trends in correctional populations?



Source: *Prisoners in State and Federal Institutions on December 31, 1982.*



but the rate for young adult males—while increasing—had not reached the peak of the 1960's



*Base excludes soldiers overseas.

Sources: *Prisoners in State and Federal Institutions on December 31, 1982*
Population estimates from the U.S. Bureau of the Census

The total population of state and federal prisons increased by an average of more than 17,000 per year between 1977 and 1983

	Total Admissions	Total Releases	Net Gains
1977	163,203	147,895	15,308
1978	162,574	154,484	8,090
1979	172,753	166,132	6,621
1980	182,617	169,826	12,791
1981	212,264	174,955	37,309
1982	227,934	211,885	16,049
1983	240,411	217,348	23,063
Average annual gain =			17,033

The recent increases in prison population, while striking, are not unprecedented

From 1927 to 1931, for example, court admissions and conditional-release violators, two groups that account for most prison admissions, exceeded conditional and unconditional releases by an average of more than 14,000 inmates per year. By contrast, an average annual net loss of more than 10,000 inmates per year occurred between 1940 and 1944.

Part of the fluctuation in admissions to prison is explained by the fluctuation in the high risk population

Males age 20-29 are in the population group most likely to be sentenced to prison. Prison populations increase and decrease as this high risk group fluctuates. Between 1930 and 1981, the number of prison admissions received from the courts grew by 143%. During the same period, the number of males age 20-29 in the general population increased by 105%. Thus, much of the change in the number of prison admissions received from courts is probably due to the growth in the number of males in the prison-prone age group.

Nationally, the at-risk population is expected to begin to decline through the year 2000. In Colorado, it is beginning to level off and will remain relatively level through the year 2000.

The public's attitude toward criminals influences sentencing laws and practices

The National Crime Survey shows that crime rates have remained relatively stable over the past 10 years and have shown a decrease in the most recent years. However, new, tougher sentencing laws have been passed in most states in recent years in response to the public's demand that something be done about crime. Most states have passed laws that require mandatory sentences for certain offenders. Good-time provisions for prisoners have been restricted in many states and longer sentences are permitted.

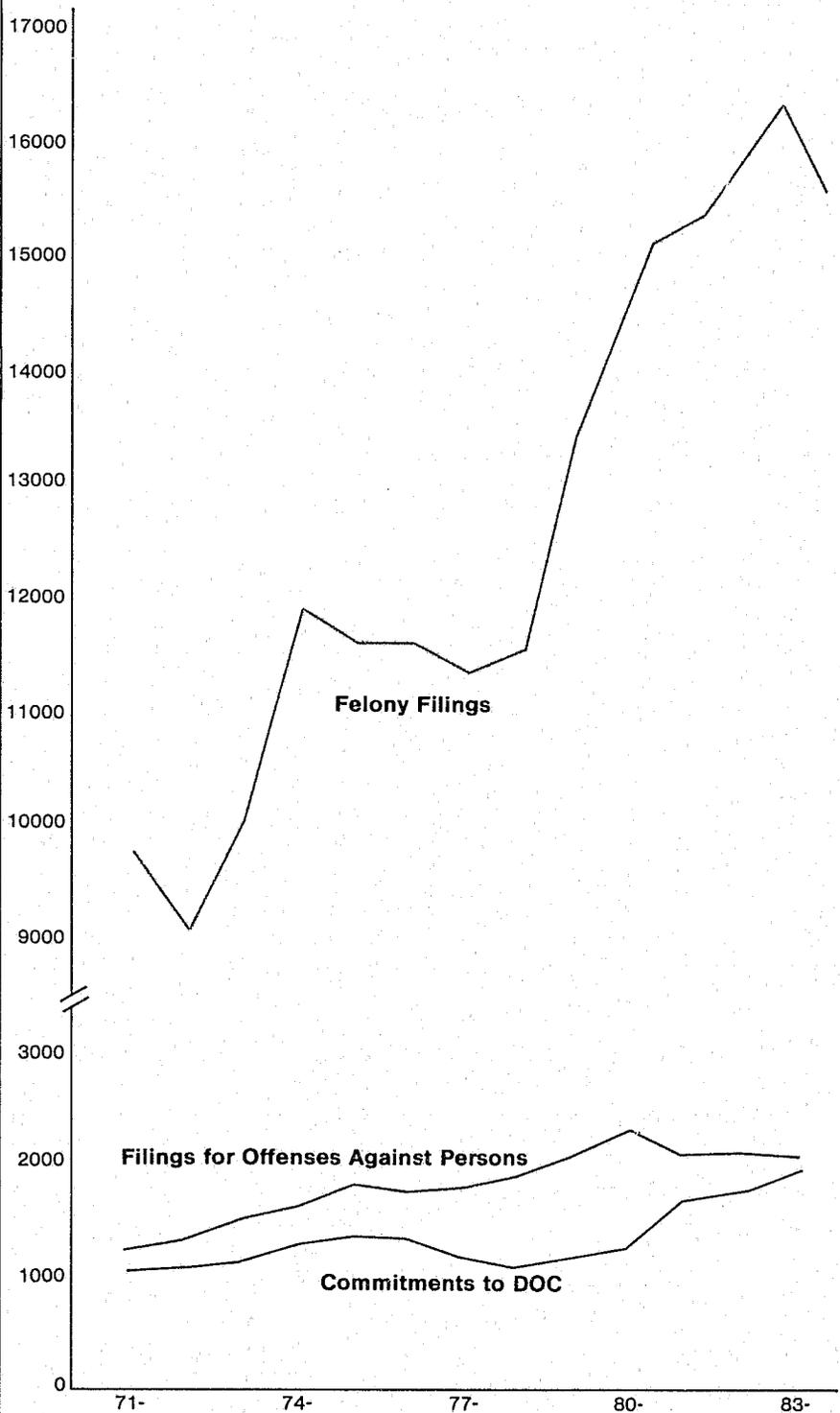
A new sentencing law in Colorado may double the prison population

Several provisions of the new law which became effective July 1, 1985, will affect the prison population. The provisions that will have the greatest impact on the prisons are:

- The bill doubles the maximum sentences for felonies
- Automatic good-time deductions are eliminated, leaving early release of inmates to the discretion of the parole board after half of an inmate's sentence has been served
- A life sentence is changed from 20 to 40 years without the possibility of parole.

The estimated impact of the law is more than 3,000 new prison beds by 1995 and an additional 500 by 2026. These new beds would add seven new 500-bed facilities to the corrections system at an estimated cost of almost \$250 million. These estimates are taken from the fiscal note prepared by the office of State Planning and Budget.

Commitments to prison in Colorado are related most closely to filings for offenses against persons than to total felony filings



Sources: Department of Corrections, Annual Statistical Reports, FY 1971-72 to 1983-84
Colorado Judiciary, Annual Reports, 1971-72 to 1983-84

Postcorrectional performance is difficult to assess

Some indicator of a return to criminal activity is typically used to evaluate postcorrectional performance

Rearrest, reindictment, reconviction and reimprisonment measured over some period of time after release from prison are generally used to gauge the extent of success and failure (recidivism) associated with correctional programs.

The unit of time selected and the level of criminal justice system penetration (that is, more persons are likely to be rearrested than reimprisoned) will substantially affect judgments about the proportion failing or succeeding after a correctional experience.

Conditionally released offenders such as those on probation, parole or in community corrections, are subjected to supervision requirements that, if violated, may result in a sentence or return to prison for non-criminal conduct (such as curfew violations or failure to report to a parole or probation officer).

More than three-fourths of the offenders terminated from probation in FY 1983-84 successfully completed the program

Terminations FY 1983-84	Percent
Successful	77%
Revocations	9
Escape	10
Other	5

Source: Judicial Department

Less than 4% of those sentenced to community corrections programs (diversion) are terminated for committing a new crime while in the program

Terminations FY 1983-84	Percent
Successful	68
House rule or technical violation	17
New crime	4
Escape	11

Source: Judicial Department

Most offenders released from prison successfully complete their term of parole

Terminations FY 1982-83	Percent
Successful	80%
Technical violations	11
New crimes	8

Source: Department of Corrections, Annual Statistical Report, FY 1982-83

Most offenders sentenced to community corrections and to prison have had prior arrest records

Approximately 83% of the offenders sentenced to community corrections had been arrested prior to the current offense and 85% of those sentenced to prison had prior arrest records.

Offenders with a more extensive criminal history are more likely to recidivate regardless of the sentencing alternative

Offenders sentenced to probation are less likely to be rearrested than those with similar backgrounds sentenced to community corrections or prison

Offenders were grouped by type of offense (violent, non-violent), felony class and prior criminal history. A comparison of similar offenders sentenced to different alternatives showed that those sentenced to prison were most likely to be rearrested.

Alternative	Rate of Recidivism	
	Violent Conviction	Nonviolent Conviction
Prison	54%	53%
Community corrections	44	37
Probation	23	23

Source: Division of Criminal Justice, (DCJ) Prison vs. Community Corrections, A Look at Recidivism

Offenders who recidivate are likely to commit a similar type of offense

Offenders convicted of a violent crime who recidivate are likely to recidivate with another violent crime. And those convicted of a non-violent offense who are rearrested are likely to be rearrested for another non-violent offense.

Recidivating Offense	Offense at Conviction	
	Violent	Nonviolent
Violent	63%	13%
Non-violent	37	87

Source: DCJ Prison vs. Community Corrections, A Look at Recidivism

Offenders convicted of more serious violent crimes (higher felony class) are more likely to recidivate than those convicted of less serious violent crimes

Variation in felony class does not affect recidivism rates for non-violent offenders.

Offenders convicted of robbery and burglary are more likely to be rearrested for a subsequent offense than those convicted of assault, theft, criminal mischief or drug offenses

After age 30, many repeat offenders begin to drop out of crime

The decline in the number of admissions after age 30, and the increase in the proportion of persons serving their first confinement sentence after age 40, indicates that substantial dropping-out from imprisonable criminal activity is occurring among repeat offenders as they enter middle age (age 40 or older).

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Chapter V

The youthful offender

This chapter profiles the youthful offender and the juvenile justice system with data that address such questions as:

What is the role of youth in crime?

How are juveniles handled differently than cases involving adults? How are serious and repeat juvenile offenders handled?

Under what circumstances may juveniles be tried in criminal courts?

How many juveniles are under correctional supervision? In what kinds of facilities are they held?

What is the role of youth in crime?

Children can enter the juvenile justice system at age 10 in Colorado

Juveniles comprise approximately 27% of Colorado's population. The 0-to-9 year-old age group is expected to increase approximately 20% between 1980 and 1986. This will affect the size of the "at-risk" or high crime-prone population (ages 10 to 17) which may have a future impact on juvenile crime and support systems.

More than 38% of the arrests for UCR Index Crimes in Colorado in 1984 were of persons under the age of 18

Juveniles accounted for less than 18% of total arrests in Colorado in 1984, but more than 38% of the arrests for index crimes.

Property crimes are more typical of youths than of older offenders

In Colorado, 39% of the juveniles arrested in 1984 were picked up for property crimes, compared to only 13% of the adult arrests.

	Juvenile arrests	Adult arrests
Total index	42%	16%
Violent	3	3
Property	39	13
Forgery/fraud	1	2
Vandalism	5	2
DUI	1	18
Liquor laws	5	6
Traffic	14	33
Disorderly conduct	4	8
Other assaults	4	6
Curfew/loitering	5	*
Runaways	12	*
All other	6	9

*Are not crimes for adults

Source: Colorado Bureau of Investigation, Crime in Colorado, 1984

Arrests, however, are only a general indicator of criminal activity. The greater likelihood of arrests for young people may be due partly to their lack of experience in offending and also

Large increases in the under-10 age group may indicate future increases in juvenile crime

	Under 10 years old	10-17* years old	Total Juvenile Population	% Juvenile Population to Total Population
1980	429,588	379,151	808,739	28.0%
1981	447,828	381,736	829,564	27.8
1982	455,007	390,983	845,990	27.7
1983	468,523	389,172	857,695	27.5
1984	483,038	388,153	871,191	27.3
1985	498,196	388,157	886,353	27.1
1986 (Est.)	513,647	389,380	903,027	27.0
Percent Increase	19.5%	2.7%	11.7%	

*Age-at-risk population subject to juvenile justice process

Source: Colorado Division of Local Government, Demography Section

to their involvement in the types of crimes for which apprehension is more likely, for example, purse snatching vs. fraud. Moreover, since youths often commit crime in groups, the resolution of a single crime may lead to several arrests.

Gang membership is a major difference between juvenile and adult criminals

A major difference between juvenile and adult offenders is the importance of gang membership and the tendency of youth to engage in group criminal activity.

A recent national survey of law enforcement officers found that, while the problem is disproportionately large in the largest cities, gangs are also found in cities of less than one-half million population. Gang members are more likely than other young criminals to engage in violent crime, particularly robbery, rape, assault and weapons violations. NCS data show that personal crimes of violence by multiple offenders rather than by lone offenders are more likely to involve juvenile offenders.

However, during the 1973-80 period, there was some decrease in the tendency of young criminals to operate in groups.

Juveniles may be arrested for conduct that would not be considered criminal if committed by an adult

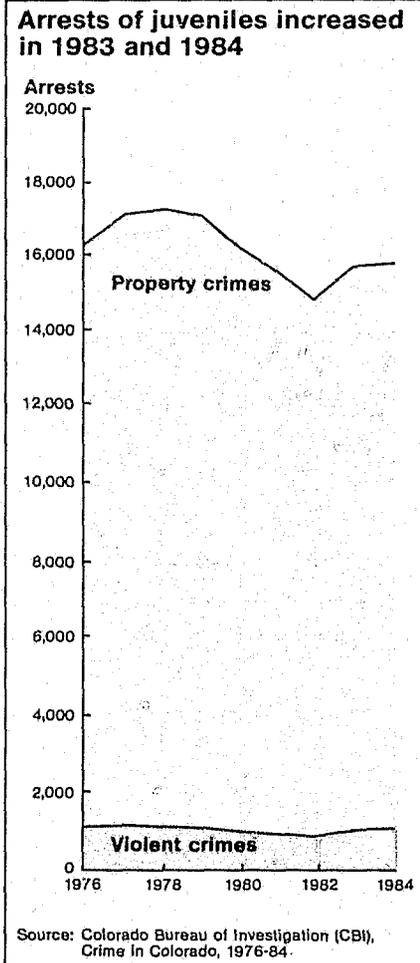
Such conduct, termed status offenses, includes violation of curfews, running away from home, truancy, possession of alcoholic beverages and incorrigibility. Approximately 1/5 of all juvenile arrests in Colorado from 1976 to 1984 were for status offenses.

Arrest is not the only means of referring juveniles to juvenile courts

While adults may begin criminal justice processing only through arrest, summons, or citation, juveniles may be referred to court by parents, schools, or other sources.

Juvenile arrests for UCR Index Crimes have decreased slightly while adult arrests increased 54%

Arrests of juveniles decreased just over 2% from 1976 to 1984; adult arrests increased 54% over the same period. Juvenile arrests for violent offenses increased 2% while arrests for property crimes decreased 3%. Arrests of adults for violent offenses increased 57% and 53% for property crimes.



The rate of arrest of juveniles has decreased but the rate of violent crime arrest has increased

Offenses	Rate per 100,000 at-risk youth population					% change 1980-1984
	1980	1981	1982	1983	1984	
Violent Crimes*	266	250	242	281	285	+7%
Property Crimes	4,354	4,091	3,858	4,187	4,165	-4
Larceny/theft	3,044	2,826	2,750	3,120	3,182	
Non-Larc/theft	1,310	1,265	1,108	1,067	983	
Total Part 1	4,620	4,341	4,100	4,468	4,450	-4

*Includes murder, forcible rape, robbery, aggravated assault
Source: CBI, Crime in Colorado, 1980-1984

Violent juvenile offenders and adult felons have very similar characteristics

Several comprehensive studies, including Hamperian's profile of violent juvenile offenders in an urban Ohio county, have revealed a striking resemblance between the serious juvenile offender and the adult felon. The findings of these studies suggest that, while the subclass of chronic violent juvenile offenders is small, there is a strong probability of progression from serious juvenile to serious adult criminal careers. Serious juvenile offenders, like adult felons:

- Are predominantly male; 89% of the juveniles arrested for violent index crimes in Colorado in 1984 were male
- Are disproportionately black and Hispanic as compared to their proportion of the population

Race/Ethnicity	Juvenile Population Age 10-17	Juvenile Violent Arrests
White	70%	53%
Black	4	14
Hispanic	16	32
Other	9	2

- Are typically disadvantaged economically
- Are likely to exhibit interpersonal difficulties and behavioral problems both in school and on the job
- Often come from one-parent families or families with a high degree of conflict, instability, and inadequate supervision.

There is conflicting evidence on escalation of seriousness

There is conflicting evidence on whether juveniles tend to progress from less to more serious offenses. Much evidence suggests that violent adult offenders began their careers with violent juvenile crimes; thus, they began as, and remained, serious offenders. However, minor offenses of youths are often dealt with informally and may not be recorded in crime statistics.

Cases involving juveniles are handled much differently than cases involving adults

Intake is the first step in the processing of juveniles

At intake, decisions are made about whether to hold the juvenile in custody. The Colorado Judicial Rules of Procedure require the chief judge of each judicial district to appoint an intake person or screener from county social services, the Department of Institutions or the judiciary. The screener decides if the juvenile should be held in a secure or insecure placement.

A child taken into custody must be given a detention hearing within 48 hours

When a child is taken into custody, the officer shall notify a parent, guardian or legal custodian. The child shall then be released to the care of his parents or other responsible adult unless his immediate welfare or the protection of the community requires that he be detained.

A preliminary investigation may be ordered to determine whether further action should be taken

The district attorney or the court may request that a preliminary investigation be completed by the probation department, county department of social services, or any other agency designated by the court.

Based on preliminary investigation, the court may:

- Decide that no further action is required
- Authorize a petition to be filed
- Make an informal adjustment.

An informal adjustment may be made by the court to promote rehabilitation

The child must admit the facts of the offense, except that such admission shall not be used in evidence if a petition is filed. Written consent must be given by the parents, guardian, or other legal custodian and the child, if of sufficient age and understanding. During the period of informal adjustment, the child and his

parents, guardian or custodian are counseled and provided guidance to promote rehabilitation. An informal adjustment may extend up to 6 months.

No child shall be handled by informal adjustment if the child has had a sustained petition for delinquency or was handled by informal adjustment for a delinquent act in the preceding 12 months.

For a case involving a juvenile to proceed to court adjudication, the district attorney must file a petition with the court

The petition must set forth the facts which bring the child within the court's jurisdiction.

Juvenile courts are very different from criminal courts

The language used in juvenile courts is less harsh. For example, juvenile courts:

- Accept "petitions" of "delinquency" rather than criminal complaints
- Conduct "hearings," not trials
- "Adjudicate" juveniles to be "delinquent" rather than find them guilty of a crime
- Order one of a number of available "dispositions" rather than sentences.

Many juveniles are referred to juvenile courts by law enforcement officers, but many others are referred by school officials, social service agencies, neighbors and even parents, for behavior or conditions that are determined to require intervention by the formal system for social control.

The juvenile court and a separate process for handling juveniles resulted from reform movements of the late 19th century

Until that time, juveniles who committed crimes were processed through the adult criminal courts. In 1899, Illinois established the first juvenile court based on the concepts that a juvenile was a salvagable human being who needed treatment

rather than punishment and that the court was to protect the child from the stigma of criminal proceedings. Delinquency and other situations such as neglect and adoption were deemed to warrant the court's intervention on the child's behalf. The juvenile court also handled "status offenses" (such as truancy, running away and incorrigibility), which are not applicable to adults.

Several months prior to the establishment of the Illinois juvenile court, Judge Ben Lindsey of Denver was instrumental in developing laws providing for a special court for children who misbehaved in school. Judge Lindsey then extended the law to include any school-age children who came into contact with his court, thus leading to the claim that the first juvenile court was established in Denver.

District courts in all of the 22 judicial districts, except Denver, have original jurisdiction in most juvenile cases. The City and County of Denver has the only separate juvenile court in the state.

Juveniles are protected by most of the due process safeguards associated with adult criminal trials

- The juvenile has a right to counsel at all hearings. Public defenders are appointed in indigency cases
- A guardian ad litem may also be appointed to act in the best interest of the child. A guardian ad litem must be appointed in status offense and child abuse cases
- The state must prove its case beyond a reasonable doubt
- Juveniles have the right to appeal juvenile court decisions
- Colorado is one of only 12 states that provides for jury trials for juveniles. The jury can have up to 6 members.

Colorado has three statutory classifications for children in the juvenile system

- A delinquent child is any child 10 years of age or older who violates a federal or state law, or court order
- A child in need of oversight (CHINO) is any child whose behavior endangers his own or others' welfare
- A dependent/neglected child is a child:
 - a) who has been abandoned, mistreated or abused
 - b) who lacks proper parental care
 - c) whose environment is injurious to his welfare
 - d) who has run away from home
 - e) who is beyond the control of his parents.

Almost 6,000 delinquency cases were filed in FY 1983-84

Type of petitions	Filings
Delinquency	5,971
CHINO	1
Dependency/Neglect	3,072

Source: Colorado Judiciary Annual Report Statistical Appendix, FY 1983-84

The delinquency filings do not include informal adjustment cases handled by the probation department. The dependency/neglect petitions include child abuse, runaways and incorrigible cases.

The court can choose from several dispositional options for delinquent children

The court may make any of the following dispositions or combination of dispositions:

- The child may be committed to the Department of Institutions
- If the child is 18 years of age or older on the date of the dispositional hearing and is adjudicated a delinquent for an act

committed prior to his 18th birthday, he may be sentenced to the county jail for up to 180 days

- The court may impose a fine up to \$300
- If adjudicated on a weapons charge, the court may require 10 days of useful public service
- The court may place the child out of the home in a non-secure facility
- The child may be required to pay for any damage done to persons or property
- The child may be placed under probation supervision.

Children may be diverted out of the juvenile justice system prior to adjudication

Juvenile diversion programs provide community-based alternatives to the formal court system. Juveniles eligible for services are those who have been taken into custody more than once for crimes which would have constituted a misdemeanor or a felony if committed by an adult. Most of the programs receive a part or all of their funding from the Division of Youth Services.

Colorado has 4 sentencing enhancements for serious delinquents

Description of Offender

Aggravated juvenile offender is a child 12 years of age or older adjudicated or whose probation is revoked for first- or second-degree murder or a child 16 years of age or older adjudicated for a crime of violence and who was previously adjudicated in a felony

Disposition

Court may commit child to Department of Institutions for a determinate period of 5 years. Child may be transferred to Department of Corrections if he reaches 18 years of age and is no longer benefiting from programs in the juvenile institution. After 3 years, the Department of Institutions may petition the court to release the child subject to parole supervision

Mandatory sentence offender is a child who has been adjudicated a delinquent child twice or who has been adjudicated a delinquent and had probation revoked for a subsequent crime of violence

The court shall place or commit the offender out of the home for not less than 1 year. If the person is 18 years of age or older at the date of disposition, he may be sentenced to the county jail for up to 1 year

Violent juvenile offender is a child 13 years of age or older when the act was committed who is adjudicated for a crime of violence

The court shall place or commit the child out of the home for not less than 1 year. If the child is less than 15 years of age, the court may find that an alternative disposition or a commitment of less than a year out of the home is appropriate

Repeat juvenile offender is a child previously adjudicated a delinquent child, who is adjudicated a delinquent or whose probation is revoked for an offense that would constitute a felony if committed by an adult

The court shall place or commit the child out of the home for not less than a year, but may release the child early upon a showing of exemplary behavior

Source: Colorado Revised Statutes

Under certain circumstances, juveniles may be tried in criminal courts

Age at which criminal courts gain jurisdiction of young offenders ranges from 16 to 18 years old

Age of offender when under criminal court jurisdiction

16	17	18		
Connecticut	Georgia	Alabama	Kansas	Oklahoma
New York	Illinois	Alaska	Kentucky	Oregon
North Carolina	Louisiana	Arizona	Maine	Pennsylvania
Vermont	Massachusetts	Arkansas	Maryland	Rhode Island
	Michigan	California	Minnesota	South Dakota
	Missouri	Colorado	Mississippi	Tennessee
	South Carolina	Delaware	Montana	Utah
	Texas	District of Columbia	Nebraska	Virginia
		Florida	Nevada	Washington
		Hawaii	New Hampshire	West Virginia
		Idaho	New Jersey	Wisconsin
		Indiana	New Mexico	Wyoming
		Iowa	North Dakota	Federal districts
			Ohio	

Source: *Youth in adult courts*, Hamperlan, et al., 1982

All states allow juveniles to be tried as adults in criminal courts

Juveniles are referred to criminal courts in one of three ways:

- **Judicial waiver**—the juvenile court waives its jurisdiction and transfers the case to criminal court (the procedure is also known as "binding over" or "certifying" juvenile cases to criminal courts)
- **Concurrent jurisdiction**—the prosecutor has the discretion of filing charges for certain offenses in either juvenile or criminal courts
- **Excluded offenses**—the legislature excludes from juvenile

court jurisdiction certain offenses, usually either very minor, such as traffic or fishing violations, or very serious, such as murder or rape.

Thirteen states authorize prosecutors to file cases in either juvenile or criminal courts at their discretion

This procedure, known as concurrent jurisdiction, may be limited to certain offenses or to juveniles of a certain age. Eight of the 13 states provide concurrent jurisdiction options in the trial of youth for serious crimes.

Colorado has two mechanisms to transfer juveniles to adult court

When a petition filed in juvenile court alleges a child 14 years of age or older to be a delinquent child by virtue of having committed an act that would be a felony if committed by an adult, and the court finds it would be contrary to the best interest of the child or of the public to retain jurisdiction, the court may hold a transfer hearing and transfer jurisdiction in the case to district court.

Certain cases may be filed directly in district court by the district attorney:

- The child is 14 years of age or older and is alleged to have committed a crime of violence which is a Class 1 felony
- The child is 16 years of age or older and is alleged to have committed a Class 2 or 3 felony or nonclassified felony punishable by a maximum punishment of life imprisonment or death. The child must also have been adjudicated a delinquent within the previous two years for a Class 1, 2 or 3 felony
- The child is alleged to have committed a felony subsequent to being transferred to adult court on a previous offense.

Juveniles tried as adults have a very high conviction rate, but most receive sentences of probation or fines

National research shows that more than 90% of the judicial waiver or concurrent jurisdiction cases in Hamperlan's study resulted in guilty verdicts, and more than half the convictions led to fines or probation. However, juveniles convicted under excluded-offense laws were more likely to be institutionalized. Among the juveniles sentenced to incarceration, about 14% received sentences that could have lasted, under the most severe circumstances, 10 or more years. However, those incarcerated generally received longer sentences.

46 States, the District of Columbia, and the Federal Government have judicial waiver provisions

Youngest age at which juvenile may be transferred to criminal court by judicial waiver

No specific age	10	13	14	15	16
Alaska	South Dakota	Georgia	Alabama	District of Columbia	California
Arizona		Illinois	Colorado	Idaho	Hawaii
Florida		Mississippi	Connecticut	Louisiana	Kansas
Maine			Delaware	Maryland	Kentucky
New Hampshire			Indiana	Michigan	Montana
Oklahoma			Iowa	New Mexico	Nevada
South Carolina			Massachusetts	Ohio	North Dakota
Washington			Minnesota	Tennessee	Oregon
West Virginia			Missouri	Texas	Rhode Island
Wyoming			New Jersey	Virginia	Wisconsin
Federal districts			North Carolina		
			Pennsylvania		
			Utah		

Note: Many judicial waiver statutes also specify specific offenses that are waivable. This chart lists the States by the youngest age for which judicial waiver may be sought without regard to offense.

Source: *Youth in adult courts*, Hamperlan, et al., 1982.

How many juveniles are under correctional supervision?

Juvenile offenders are housed in many kinds of facilities

The range of facilities and programs—the housing of delinquents, status offenders, voluntary admissions and dependent and neglected children in the same facilities—coupled with the participation of both the public and private sectors clearly distinguishes juvenile corrections from adult corrections.

2,066 juveniles were held in adult jails in Colorado in 1984

Thirty-nine county and 5 municipal jails held juveniles in 1984. Most juveniles held in local jails are held for short periods of time until they are released to parents, to social services or transported to a detention center. Almost 41% were released within 6 hours and 71% were released within 24 hours. Four percent of the youths were held more than 5 days.

Juveniles are held in jail who have not committed a crime

Some juveniles are placed in jail for status offenses or because they are dependent or neglected. Status offenses are acts such as running away and curfew violations that would not be a crime if committed by an adult. In 1984, 14% of the juveniles admitted to Colorado jails were status or non-offenders.

Colorado's juvenile incarceration rate is one of the highest in the country

1974			1979			1982		
Rank	State	Rate Per 100,000 Juveniles	Rank	State	Rate Per 100,000 Juveniles	Rank	State	Rate Per 100,000 Juveniles
1	District of Columbia	5487	1	Nevada	5685	1	Nevada	6322
2	California	5415	2	California	4393	2	District of Columbia	4207
3	Nevada	4948	3	Washington	3420	3	Washington	4172
4	Utah	4382	4	District of Columbia	3384	4	California	3608
5	Washington	4085	5	Arizona	2826	5	Utah	3011
6	Florida	3331	6	Colorado	2572	6	New Mexico	2755
7	Colorado	3145	7	Utah	2525	7	Florida	2721
8	Arizona	3026	8	Florida	2480	8	Colorado	2426
9	Georgia	2607	9	Oregon	2116	9	Oregon	2224
10	New Mexico	2366	10	Tennessee	2100	10	Arizona	2134

Source: U.S. Bureau of Census, Children in Custody Series

Most juveniles booked into local jails are males

Sex	Percent
Male	81%
Female	19

Hispanics are over represented and blacks are under represented in the juvenile jail population

Race/ethnicity	Percent
Anglo	67%
Black	2
Hispanic	30
Other	1

Because most blacks in Colorado live in the urban areas which have detention centers, few are booked into local jails.

Most juveniles admitted to jail are released to family or transported to a detention center

Released to	Percent
Family	29%
Detention center	25
Social services	13
Bonded	9
Other law enforcement agency	4
Immigration	3
Institutions	2
Self	1
Other	14

Source: DCJ, Jail Database, 1984

Colorado law requires that juveniles be held separate from adults in jail

In 1983, juveniles were held in 44 adult jails. Twenty-six of these jails could not provide adequate sight and sound separations of juveniles from adults.

The number of juveniles held in Colorado's jails has decreased 66% over the past 5 years

Offense Type	Number of juveniles held in county jails					Percent decrease 1980-1984
	1980	1981	1982	1983	1984	
Delinquent	2,960	2,459	1,736	1,029	993	66%
Status/non-offender	1,296	754	525	246	286	78
Others	1,142	1,476	1,273	950	755	34
Municipal	602	44	8	1	2	99
Unknown	111	2	3	12	31	74
Total	6,117	4,735	3,545	2,238	2,066	66%

Note: Other category includes sentences, illegal entry, traffic, parole, probation violations, awaiting transport or placement, etc.

Source: Division of Criminal Justice (DCJ), Jail Database, 1980-1984

In FY 1983-84, 7,298 juveniles were admitted to detention centers

Offense	Percent
Delinquent	29%
CHINO	1
Dependent/neglect	2
Runaway	9
Court order	34
Courtesy hold	6
Fish and game	*
Traffic	4
Municipal	2
Interrupted	12

*Less than 0.5 %

Note: Interrupted admissions include weekend sentences and returns for court appearance

Source: Division of Youth Services (DYS), Detention Center Database.

Most of the juveniles admitted to detention centers are male

Almost 81% of the juveniles were male and 19% were female.

Black and Hispanic youth are over represented in detention center admissions

Race/ethnicity	Percent
Anglo	49%
Black	16
Hispanic	33
Other	3

Source: DYS Management Reference Manual, FY 1983-84

Most of the youth in detention centers are 15-17 years old

Age	Percent
11 years and under	1%
12 years	2
13 years	6
14 years	13
15 years	22
16 years	26
17 years	28
18 years and older	3

Source: DYS Management Reference Manual, FY 1983-84

Detention centers are state operated

The Colorado Division of Youth Services operates 6 detention centers located in Denver, Adams, Jefferson, El Paso, Pueblo and Mesa Counties. Detention centers serve primarily preadjudicated youth, but as of 1981 may also accept juveniles serving short sentences. In FY 1983-1984, 11.5% of the admissions to detention centers were sentenced. The average length of stay in the detention center was 8.3 days.

The detention centers are crowded

In FY 1983-1984, four of the five Front Range detention centers had an average daily population which exceeded the maximum capacity.

Detention center	Capacity	Average daily population
Adams	24	22.5
Gilliam (Denver)	76	80.0
Jeffco	26	26.3
Pueblo	25	28.9
Zeb Pike (El Paso Co.)	24	21.4
Total	175	184.1

Source: DYS Management Reference Manual FY 1983-84

474 juveniles were committed to correctional institutions in FY 1983-84

The Department of Institutions, Division of Youth Services, operates 5 institutions for the long-term care and custody of adjudicated delinquents

Commitments to the Division of Youth Services have increased 16% in the last 5 years.

Commitments have increased from 408 in FY 1979-80 to 474 in FY 1983-84. The average daily population has increased 11% during the same period, from 394 to 437 juveniles per day.

Who is committed to the Department of Insitutions

Sex	
Male	93%
Female	7

Ethnicity	
Anglo	50
Black	16
Hispanic	31
Other	2

Age at commitment	
12	*
13	3
14	8
15	18
16	28
17	34
18	8
20	*

Type of commitment	
Non-mandatory	70
Mandatory repeat	26
Mandatory violent	3
Federal	*

Number of commitments	
1st	85
2nd	13
3rd	2
4th	*

*Less than 0.5%

Source: DYS Management Reference Manual, FY 1983-84

The institutions were also crowded in FY 1983-84

The five correctional facilities have a maximum capacity of 354 youth. In FY 1983-84, the average daily population was 380.8, or 7% over maximum capacity.

The Department of Social Services offers a wide range of nonsecure services to pre-delinquent and minor offenders

These services include shelter care, crisis intervention, counseling, foster care and group homes. Some of these programs are operated by county departments of social services. Others are operated by private agencies, many under contract with Social Services.

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The cost of justice

This chapter reports the costs of the criminal justice system and the relationship of justice spending to other government outlays. The data from this chapter answer such questions as:

What portion of total government spending goes for criminal justice?

What level of government spends the most for criminal justice? For police protection? For prosecution, legal services and public defense? For the court system? For corrections?

What do justice dollars buy? How much does it cost to bring an offender to justice? To keep a person in prison or on probation? How much does it cost to build a prison? A jail?

How much does each state spend per capita for its justice system?

What is the relationship between a state's per capita spending for justice and its crime rate? Its tax base? Its tax revenues? Its degree of urbanization?

What percent of total government spending has been used for police over the past 80 years and for corrections over the past 30 years?

Has government spending for justice functions increased over the past two decades even when inflation is considered?

How much does government spend on criminal justice?

Approximately 3% of all government spending is for criminal and civil justice

Of this amount, approximately half is for police protection; one-fourth for corrections. The balance is for all other justice services, such as courts, prosecution and public defense.

Criminal justice is primarily a function of state and local governments—a responsibility reserved to them by the constitution. In examining how much is spent to maintain criminal justice systems throughout the nation, it is useful to compare those expenses with all government expenses.

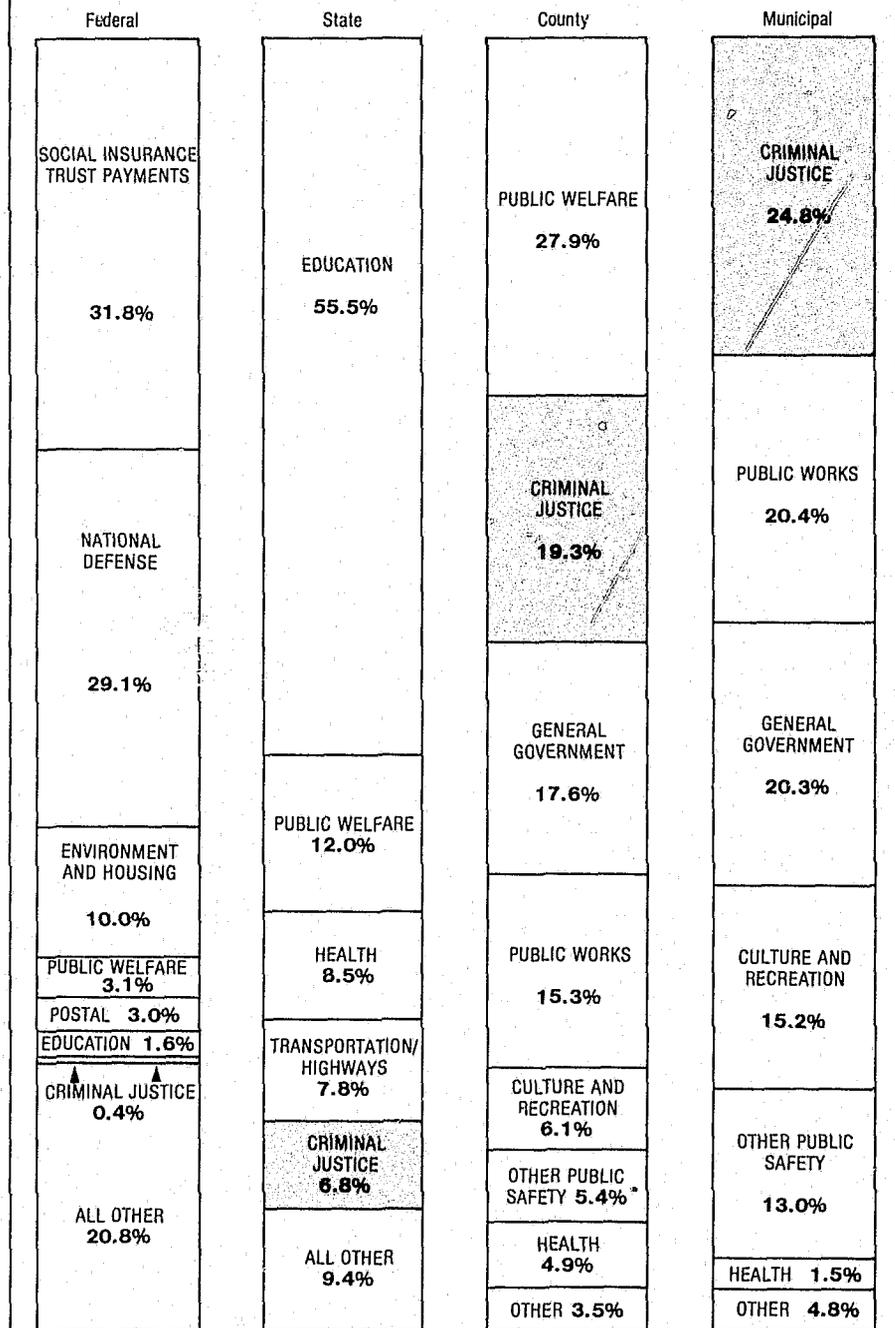
Federal - In 1982-83, the federal government spent more than 60% of its direct expenditures for social insurance payments and national defense. Social insurance trust payments include social security, unemployment compensation, workman's compensation, public employees retirement, old age, survivors, disability and health insurance and veterans' life insurance. Only 0.4% of the federal budget is spent for criminal justice.

State - More than half of the state of Colorado budget is allocated to education. Approximately 6.8% of the budget is allocated to criminal justice activities.

County - County government spends one-fifth of its budget on criminal justice functions. Public welfare receives the greatest share of county funds.

Municipal - Criminal justice is the number-one expenditure of municipal governments. Almost one-fourth of city budgets were spent on criminal justice, primarily for police protection in 1983.

The types of expenditures at each level of government vary greatly



Sources: U.S. Bureau of the Census, Government Finances in 1982-1983
 State Appropriations Bill, FY 1983-84
 Colorado Division of Local Government, 1983 Local Government Financial Compendium

Patterns of justice spending highlight the different responsibilities of each level of government

State and local governments pay 87% of all government costs for criminal and civil justice

Level of government	1982 justice expenditure (billions)	Percent
Local	\$21.0	58%
State	11.6	32
Federal	3.3	9
Total	\$35.4	100%

*Does not add to total due to rounding

Municipal governments pay the highest proportion of total criminal justice costs in Colorado

Approximately 37% of total criminal justice expenditures in Colorado are incurred by municipalities. 32% of the expenditures were incurred by county government and 31% by state government.

Cities and towns spend most of their justice dollars for police protection

About 66% of the public safety funds expended by municipalities in Colorado are used for police departments and marshal's offices. Police protection accounts for 25% of total municipal expenditures in Colorado, but in small towns and cities a majority of the budget may be spent on police protection.

Salaries for county sheriffs are set by state statute and are paid with county funds

The duties of the sheriffs include providing law enforcement ser-

vices in the unincorporated areas of their counties and maintaining the county jail.

When fixing salaries for county sheriffs, the state legislature gives consideration to county variations, including population, the number of persons residing in unincorporated areas, assessed valuation, motor vehicle registrations, building permits, military installations and to other factors which may affect the workload and responsibilities of county officers and tax resources of the counties. Salaries for FY 1984-85 ranged from \$18,000 to \$36,000. Salaries for sheriffs' deputies are set by the sheriffs with approval from the county commissioners.

State dollars for police protection are used to enforce motor vehicle laws and to provide assistance to local law enforcement

The Colorado State Patrol enforces and aids in enforcing all state laws related to motor and all other vehicles using the highways.

The state also provides assistance to local law enforcement agencies through the Colorado Law Enforcement Training Academy and the Colorado Bureau of Investigation. The training academy provides basic and inservice training for local law enforcement officers and sets standards for training requirements.

The Colorado Bureau of Investigation (CBI) provides assistance to local law enforcement in the investigation and detection of crime and enforcement of laws. The CBI may provide assistance to local law enforcement only if requested by a sheriff, chief of police, district attorney or other chief law enforcement officer.

The CBI also provides crime lab services, maintains criminal records, compiles and distributes a list of missing children, investigates matters related to the Reciprocal Enforcement of Support Act and investigates suspected criminal activity when directed to do so by the governor. The CBI also operates an Organized Crime Strike Force to investigate organized crime throughout the state.

District attorneys' salaries are paid from state and county funds

Starting January 8, 1985, the district attorney in every judicial district receives an annual salary of not less than \$47,500. The state pays 80% of the salary. The balance is paid by the counties in the judicial district in the proportion each county's caseload bears to the whole caseload of the district. The expenses for staff and operating costs for the district attorney's offices are borne by the counties in the district.

The attorney general prosecutes and defends all actions in which the state is a party

The attorney general is the executive director of the Department of Law. He appears for the state and prosecutes and defends all actions and proceedings, civil and criminal, in which the state is a party or is interested.

A special prosecutions unit is funded in the Department of Law to provide legal services and advice to the Colorado Organized Crime Strike Force.

State, county and municipal governments in Colorado all expend approximately an equal share for criminal justice activities but pay for different functions

	State	County	Municipalities
Police protection	8%	36%	56%
Judicial	81	10	9
Prosecution	27	73	
Public defense	100		
Corrections	81	19	
Total	31	32	37

Notes: The City and County of Denver expenditures are included in county figures city jails and lockups are included in police protection. County and municipal figures are based on 1983 expenditures. State figures are based on FY 1983-84 appropriations

Sources: State Appropriations Bill, FY 1983-84
Division of Local Government, 1983 Local Government Financial Compendium

Most criminal justice dollars are spent on police protection

	Total			State			County			Municipalities		
Total	\$562,026,009	100%	\$173,480,377	100%	\$179,235,178	100%	\$209,310,454	100%				
Police protection	\$362,381,486	64	\$ 27,182,673	16	\$132,469,964	74	\$202,728,849	97%				
Judicial	76,681,634	14	62,543,632	36	7,556,397	4	6,581,605	3				
Prosecution	31,063,022	6	8,429,298	5	22,633,724	13						
Public defense	6,866,441	1	6,866,441	4								
Corrections	85,033,426	15	68,458,333	39	16,575,093	9						

Notes: The City and County of Denver expenditures are included in county figures. City jails and lockups are included in police protection.

Sources: State Appropriations Bill FY 1983-84

Division of Local Government, 1983 Local Government Financial Compendium

In 1970, the State of Colorado assumed responsibility for court funding

The state assumed full responsibility for funding all courts of record except Denver County Court and municipal courts. Because Denver is both a city and county, the county court functions as a municipal, as well as, a county court and is paid for entirely by Denver taxes.

In 1970, the state also assumed responsibility for adult and juvenile probation. A statewide public defender system was created by statute and became funded by the state at the same time.

Courthouses are maintained by the counties, but additional facilities or improvements are paid for by the state

Each year the state court administrator prepares an annual capital construction plan and budget and submits it to the legislature. The plan specifies the additional courthouse facilities required for each court, the estimated cost of such additional structures, whether the facility will include space for other nonjudicial governmental functions and a detailed report on the court facilities currently in use and the reasons for their inadequacy.

The chief justice is authorized to approve payment of state funds for construction of judicial facilities and improvements as authorized and approved by the legislature. If part of the facility will be used for nonjudicial purposes, the state court adminis-

trator enters into a leasing agreement with the county.

Corrections receives the highest proportion of state criminal justice dollars

In FY 1984-85, Colorado state government spent 38% of its criminal justice dollars on corrections. Approximately three-fourths was allocated to the Department of Corrections for adult corrections and one-fourth to the Division of Youth Services for juvenile corrections.

The Department of Corrections operates six major facilities for men, one women's facility, seven camps and community centers and contracts with private agencies for community corrections facilities. As of May 1985, the department had a total capacity of 3,255 inmates. The department is also responsible for parole services. All clients under the department's supervision have been convicted of a crime.

The Division of Youth Services in the Department of Institutions operates six detention centers, with a total capacity of 175, providing services to youth held prior to trial and those serving short sentences. The institutions which have a capacity of 354 hold youth sentenced for more serious crimes.

Counties are required by statute to maintain a county jail

Each county in the state with a population of 2,000 or more is required to maintain a jail at the county's expense for the deten-

tion, safekeeping and confinement of persons lawfully committed. The jail is operated by the sheriff. Some of the counties with small populations which exceed 2,000 people meet the requirements by contracting for jail services with a larger, neighboring county.

Most community corrections programs in Colorado are operated by local government or private agencies under contract with the state

The Judicial Department contracts with local community corrections programs for residential and nonresidential community corrections services. The clients referred to these programs are people the courts would otherwise sentence to prison, and are called diversion clients.

The Department of Corrections also contracts with local programs for services. The clients referred by the Department of Corrections are transitional clients. These people were sentenced to the department and are now being placed in the community prior to release to assist them in adjusting to life in the community. The department also operates several community corrections transitional programs.

Approximately four-fifths of state and local justice dollars go for payroll

Criminal and civil justice is a highly "personnel-intensive" activity. Many services provided by the justice system, such as police and correctional services, must be provided 24 hours per day, seven days per week.

The cost of maintaining one police officer position in Denver was more than \$140,000 in 1983

To keep one officer on the street 24 hours per day, seven days per week requires slightly more than five people. With the cost of administration, training, vehicles and technical support, the annual cost of keeping one officer on the street in Denver in 1983 was \$142,840.

The average cost of responding to a call for police service varies by the type of call

Type of call for service	Average cost
Check of private premises	\$ 8.86
Suspicious vehicle	10.11
Alarm	11.00
Family disturbance	21.54
Vandalism complaint	23.54
Suspicious person	25.54
Larceny complaint	32.61
Recovery of stolen vehicle	37.71
Traffic accident	39.95
Robbery complaint	63.19
Forgery complaint	71.34

Source: Denver Anti-Crime Council, Analysis of 1983 Patrol Division Costs

Salaries for law enforcement officers are the lowest in the system

Law Enforcement Officers	Salary Range	Average Salary
• Cities under 3,000 population		
Chief	\$12,000-35,208*	\$20,760
Sergeant	12,120-31,464	17,232
Officer	10,800-26,580	15,972
• Cities over 3,000 population		
Chief	20,364-62,124*	38,260
Lieutenant	15,996-45,156	36,547
Sergeant	13,740-38,520	32,191
Officer	9,000-31,848	26,386
Sheriff	18,000-36,500*	24,597
Colorado State Patrol		
Chief		\$58,464
Lieutenant	32,556-43,632	43,356
Sergeant	28,128-37,692	36,504
Officer	22,044-32,556	28,242
Colorado Bureau of Investigation Agent	\$24,972-38,724	N/A
Prosecutors		
District Attorney		\$47,500
State Attorney General		40,000
State Assistant Attorney General	\$25,140-50,604	N/A
Defender		
State Public Defender		\$51,150
Deputy Public Defenders	\$24,972-47,064	N/A
Judicial Personnel		
Supreme Court Justice		\$63,000
Appeals Court Judge		58,500
District Court Judge		54,000
County Court Judge		47,000
State Court Administrator		58,500
District Court Administrator	\$27,528-49,416	N/A
Chief Probation Officer	26,784-48,108	N/A
Probation Officer (Entry Level)	19,056-25,512	N/A
Correctional Personnel		
Director of Corrections		\$63,600
Correctional Superintendent	\$39,576-55,680	54,357
State Correctional Supervisor	29,532-39,576	38,688
State Correctional Officer	20,004-26,784	22,548
Parole Officer	20,004-34,188	31,984
Director Division of Youth Services		58,464
Youth Services Counselor	22,044-41,556	33,824
Youth Services Worker	17,280-25,512	22,194

*Salary range of incumbents

Source: Colorado Revised Statutes
 Colorado Municipal League, Executive Compensation 1984
 Colorado Municipal League, CML Benchmark Employee Compensation 1985
 Colorado Municipal League, Salaries and Fringe Benefits 1984
 State Appropriations Bill, FY 1984-85
 Department of Personnel, Class by Agency by Step Report, March 1985

Approximately 2% of total tax dollars collected in Colorado in 1983 went to the courts

The Colorado Judicial Department's budget in FY 1983-84 was \$69,264,764

Judicial function	Expenditures
Trial courts	58%
Probation	17
Public defender	11
Community corrections	6
Administration	4
Supreme Court	3
Court of Appeals	3

Source: Colorado Judiciary, Annual Report, FY 1983-84

The average cost to the courts per case in 1983 was \$80

The average cost in district court is 4 to 5 times higher than to process a case in county court. This is due primarily to the types of cases heard in each court. Rural courts incur a higher cost per case than urban courts.

Type of court	Average cost per case
District-urban	\$175.97
District-rural	216.22
County-urban	33.59
County-rural	42.72
Average for all courts	80.32

Source: Colorado Judiciary

Many new jails are being built in Colorado

In 1984, 14 counties were in the process of building or planning for a new jail facility. Another five counties were expanding and eight were remodeling current facilities.

Jail construction is very expensive

Jail facilities are very expensive to build because of the wide variety of people who enter a jail. The facility must provide for the separation of adults from juveniles and males from females. Many jails also provide for separation of various security classifications of inmates and/or the separation of pretrial from sentenced offenders. The cost of the new facilities being built in Colorado range from approximately \$750,000 to over \$31 million. Costs per bed range from \$29,000 for a 25 bed facility to \$90,000 for a 200 bed facility. The per bed cost may include the cost of space for the sheriff's department administrative offices, kitchen and laundry facilities, recreational programs and inmate services.

In FY 1983-84 Colorado Courts collected more than \$15 million in victims restitution, fees, fines, taxes and services

Restitution	\$ 3,329,409
Accrued revenue to the General Fund	
Tax-civil cases	\$ 183,640
Tax-vital statistics	31,193
Copywork, certifications, etc.	349,797
Water case filings	164,853
Civil docket fees	4,746,698
Probate fees	225,010
Water case mailings	7,932
Criminal fees, court costs, bond forfeits	1,346,290
Probation fees	424,249
Partial attorney fee paid by indigent	250,780
Felony, misdemeanor fines	887,726
Fish and game fines (50%)	55,393
Miscellaneous fees and fines	121,240
Unclaimed funds	105,107
Bad debt expense	-293,601
Collection service fees	-64,106
Total	\$ 8,770,245
Accrued revenue to Highway Users Fund	
Traffic fines and forfeits	\$ 2,014,443
DUI	1,173,803
Bad debt expense	-94,399
Collection service fees	-39,748
Total	\$ 3,054,099
Accrued to Game, Fish and Parks Fund	
Fish and game fines (50%)	\$ 55,393
Collection service fees	-581
Bad debt expense	-12,423
Total	\$ 52,388
TOTAL	\$15,206,141

Source: Colorado Judiciary, Annual Report, FY 1983-84

Imprisonment is the most expensive sentencing option

In 1983, the cost of holding an inmate in prison for a year varied from \$36,493 in Alaska to \$6,951 in Texas. The average cost per inmate was \$16,245. The cost to hold an inmate in Colorado in 1983 of \$15,380 was less than the national average.

It is less costly to treat offenders in community corrections facilities than in prisons

Community corrections programs under contract to the State Judicial Department or Department of Corrections are reimbursed at a rate of \$27.00 per day or \$9,855 per year. Clients who are employed are required to contribute up to \$7 per day to the program. These rates reflect increases which became effective July 1, 1985. Offenders work or attend school while in the program and participate in counseling, job or social skills training, drug and alcohol treatment, etc. during off hours. Offenders who work in the community can provide financial support to their families and pay restitution to their victims. The cost of community corrections may be underestimated because services such as education, vocational training, drug and alcohol treatment and mental

health counseling may be paid by other agencies.

Supervising offenders in the community is significantly less costly than incarceration or residential programs

Probation is the most frequently used sentencing option. It is also one of the least costly. In 1983, the average cost per year per probationer in Colorado was \$702. The average case load per probation officer in 1983 was 99 clients.

Intensive probation which allows the probation officer to more closely supervise the client is being tried on a trial basis in several jurisdictions as an alternative to sending the offender to prison. The recommended case load for intensive supervision is 25, at an estimated cost of \$2,808.

Offenders needing more structure than is provided by probation can be placed in a non-residential community-corrections program. Generally, the offender reports to the program several times per week or daily for job training, counseling, etc. The state reimburses these programs at a rate of \$11.50 per client per day.

Most offenders leaving prison are placed on parole for up to 5

years. The cost of parole supervision in Colorado was \$518 per year per parolee in 1983.

The cost of constructing new prisons is high

In 1983, 33 new state prisons were opened in 17 states, and one was added to the federal system. The average cost per bed was \$34,394 and \$12.4 million per prison. Another 144 facilities or additions were under construction to add 58,299 more beds and 53,321 were in the planning stages.

Higher security level prisons are more expensive to construct than those with lower security requirements.

Security type	Cost per bed	
	Range	Average
Maximum	\$22,000-102,000	\$60,707
Medium	13,000-85,000	51,334
Minimum	4,990-46,000	22,821

Security level, type of housing and location of the facility affect the cost of incarcerating an inmate

	Security Level	Average Daily Population	Average operating cost per inmate	
			per year	per day
Centennial Correctional Facility	Maximum	325	\$19,431	\$53
Colorado Women's Correctional Facility	All	97	19,270	53
Territorial/Reception Center	Medium/Maximum	421	18,047	49
Fremont Correctional Facility	Close	427	16,188	44
Shadow Mountain Correctional Facility	Close	393	13,262	36
Buena Vista Correctional Facility	Close	618	12,848	35
Colorado Correctional Facility	Camp	96	11,634	32
Delta Correctional Facility	Camp	106	11,502	32
Rifle Correctional Facility	Camp	101	11,097	30
Skyline Correctional Facility	Minimum	140	9,054	25
Total average cost			14,816	41

Note: Cost figures include direct cost only. Indirect costs can add substantially to the cost of incarceration.

Source: Colorado Prison Overcrowding Project, The Costs of Incarceration, September 1983

What factors are related to per capita spending?

State and local governments spent an average of \$101 per capita for justice services in 1979

Per capita justice costs vary by state from less than \$60 to as much as \$275. In 1979, state and local governments in Arkansas, Maine, Mississippi, and West Virginia spent less than \$60 per capita for justice services; Alaska spent \$275; New York, \$175; and Nevada, \$150.

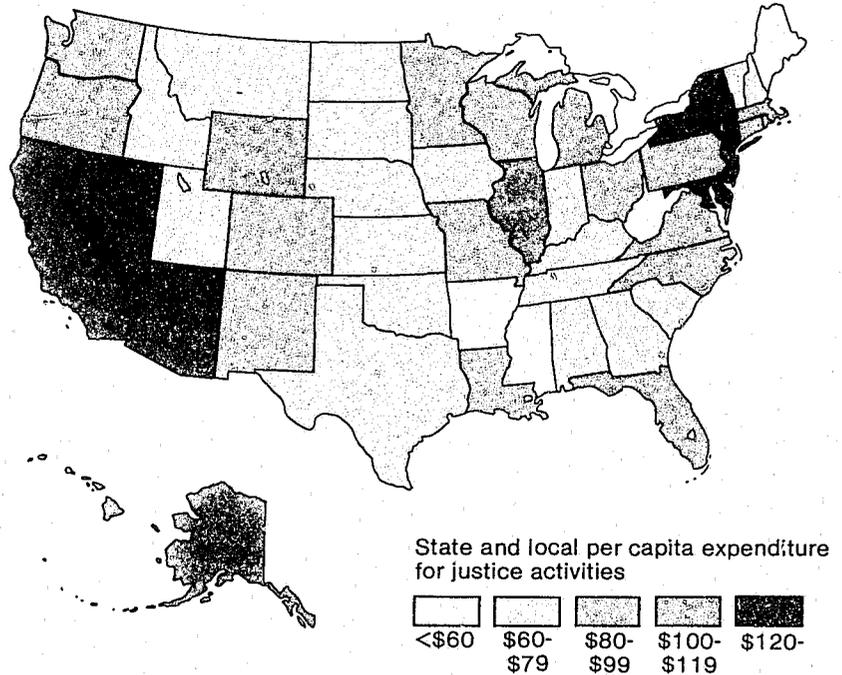
Regional variation is also evident. Per capita spending for justice was:

- \$159 in the Mideast region
- \$145 in the Far West
- \$91 in the Great Lakes region
- \$89 in the Southwest
- \$88 in the Rocky Mountain region
- \$84 in New England
- \$74 in the Plains States
- \$73 in the Southeast.

How much a state spends per capita for justice depends on many factors

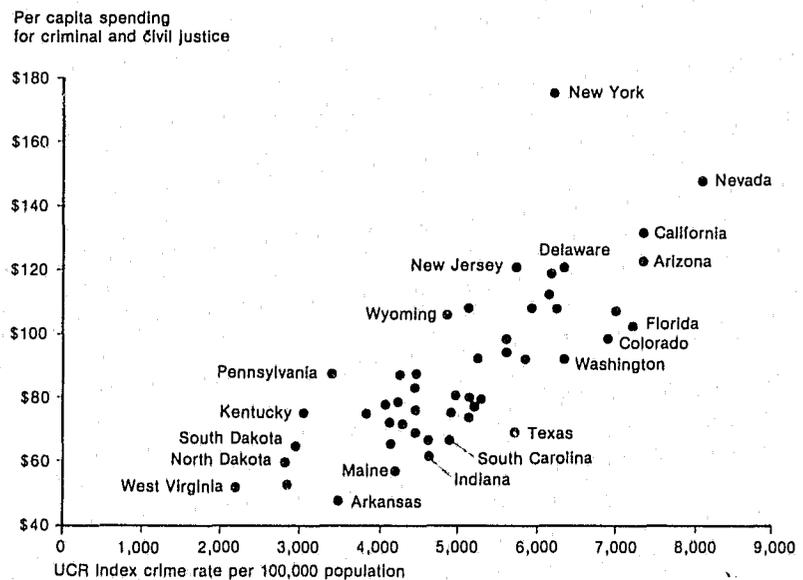
- Some states may need to spend more on justice activities because they have a more serious crime problem than others.
- The citizens of some states may express greater concern about crime than those in other states and convince their elected officials to assign higher priority to funding criminal justice than to other government activities such as education or transportation.
- Some states are "richer" than others, having a larger tax base from which to fund government activities.
- The citizens of some states may be more willing than those in other states to tax themselves to fund governmental programs in general.

The Mideast and Far West regions lead the Nation in justice costs per capita.



Sources: Justice expenditure and employment in the U.S., 1979, table 6. Preliminary intercensal estimates of the population of States: 1970 to 1980, U.S. Bureau of the Census.

States with high crime rates tend to have high expenditures for criminal and civil justice?



Note: Alaska, with a per capita expenditure of \$275 and a crime rate of 6,265, is not displayed.

Sources: Justice expenditure and employment in the U.S., 1979, table 6. Preliminary intercensal estimates of the population of States: 1970 to 1980 (Washington: USGPO, 1982). Crime in the United States, 1979, table 3.

How do the States rank on the factors that influence justice spending?

State	Per capita spending ²		Crime Rate ³		Priority for justice spending ⁴		Relative taxable wealth ⁵		Relative tax effort ⁶		Percent in metropolitan areas ⁷	
	Dollars	Rank	Rate	Rank	Percent	Rank	Index	Rank	Index	Rank	Percent	Rank
U.S. total	101		5412		7.0		100		100		74.8	
Alabama	65	44	4134	40	5.5	38	76	49	86	36	62.0	29
Alaska	275	1	6265	9	5.9	27	217	1	129	3	43.2	38
Arizona	124	5	7295	2	8.8	3	91	37	115	9	75.0	19
Arkansas	48	50	3479	44	4.5	47	77	47	81	44	39.1	41
California	132	4	7289	3	8.3	5	116	5	95	24	94.9	1
Colorado	98	16	6861	6	6.7	13	110	8	96	21	80.9	13
Connecticut	93	21	5808	15	6.6	18	108	13	102	15	88.3	6
Delaware	121	7	6341	8	7.9	6	109	10	95	24	67.0	22
Florida	104	15	7192	4	8.6	4	100	25	78	46	87.9	7
Georgia	76	32	5143	23	6.1	24	81	45	96	21	60.0	30
Hawaii	108	14	6981	5	6.0	26	103	20	128	4	79.1	17
Idaho	73	37	4114	41	5.9	30	91	37	91	28	18.3	48
Illinois	109	12	5082	25	7.8	7	112	7	99	17	81.0	12
Indiana	62	45	4538	31	5.7	35	98	28	84	39	69.8	20
Iowa	72	38	4281	36	4.9	43	108	13	93	26	40.1	40
Kansas	75	36	4942	26	5.3	40	109	10	87	33	46.8	35
Kentucky	75	34	3082	46	5.9	31	85	41	87	33	44.5	36
Louisiana	93	19	5212	21	7.1	11	103	20	82	42	63.4	27
Maine	58	47	4200	39	4.6	46	80	46	110	11	33.0	44
Maryland	120	8	6184	12	7.3	9	99	27	109	13	88.8	5
Massachusetts	109	13	5942	14	6.5	19	93	33	144	2	85.3	8
Michigan	114	9	6120	13	6.9	12	104	17	113	10	82.7	9
Minnesota	85	25	4417	35	5.1	42	105	16	115	9	64.6	26
Mississippi	53	49	2840	48	4.4	48	70	50	97	19	27.1	45
Missouri	81	27	2919	27	7.2	10	97	29	82	42	65.3	24
Montana	76	31	4444	33	4.8	44	113	6	88	31	24.0	46
Nebraska	78	30	4019	42	5.5	37	100	25	98	18	44.2	37
Nevada	150	3	8104	1	9.3	1	154	3	65	49	82.0	10
New Hampshire	70	40	4453	32	5.9	29	96	30	78	46	50.7	34
New Jersey	122	6	5788	16	7.8	8	102	22	118	7	91.4	3
New Mexico	95	18	5608	18	6.3	23	103	20	85	37	42.4	39
New York	175	2	6210	11	9.0	2	89	38	171	1	90.1	4
North Carolina	80	28	4225	38	6.6	17	82	43	91	28	52.7	33
North Dakota	61	46	2777	49	3.8	50	109	10	78	46	35.9	43
Ohio	81	26	5098	24	6.3	22	101	23	86	36	80.3	15
Oklahoma	69	42	4580	30	5.6	36	108	13	74	48	58.5	32
Oregon	109	11	6247	10	6.5	20	106	15	93	26	64.9	25
Pennsylvania	89	22	3453	45	6.7	14	93	33	105	14	81.9	11
Rhode Island	98	17	5601	19	6.4	21	84	42	121	5	92.2	2
South Carolina	69	41	4812	28	6.0	25	76	49	91	28	59.7	31
South Dakota	66	43	2960	47	4.6	45	95	31	84	39	15.9	49
Tennessee	75	35	3878	43	6.7	15	81	45	87	33	62.8	28
Texas	70	39	5711	17	5.9	28	117	4	64	50	80.0	16
Utah	79	29	5302	20	5.8	33	87	39	99	17	79.0	18
Vermont	76	33	5163	22	5.1	41	85	41	109	13	22.3	47
Virginia	88	23	4256	37	6.7	16	93	33	88	31	69.6	21
Washington	93	20	6388	7	5.8	32	103	20	96	21	80.4	14
West Virginia	53	48	2252	50	3.9	49	92	35	82	42	37.1	42
Wisconsin	87	24	4439	34	5.3	39	99	27	118	7	66.8	23
Wyoming	112	10	4803	29	5.7	34	173	2	83	40	15.3	50

Per capita spending
High: Alaska—\$275
Low: Arkansas—\$48

Crime rate
High: Nevada—8,104
Low: West Virginia—2,252

Priority for justice spending
High: Nevada—9.3%
Low: North Dakota—3.8%

Relative taxable wealth
High: Alaska—217
Low: Mississippi—70

Relative tax effort
High: New York—171
Low: Texas—64

Percent in metropolitan areas
High: California—94.9%
Low: Wyoming—5.3%

Per capita spending for justice activities and related data, 1979, by State.

Source: See notes 2 through 7 at end of this chapter.

A state's justice spending per capita is related to its:

... **crime rate.** The amount of money a state spends per capita to control and investigate crime and to prosecute and punish offenders is related to the amount of crime reported to the police. States that have a low crime rate tend to have low per capita expenditures. States that have a high crime rate tend to have high per capita expenditures.

... **taxable wealth.** A state's relative wealth affects how much it can spend for justice activities. Poorer states may not be able to spend as much as they would like for some justice programs.

... **tax burden.** Another factor that is related to how much a state spends per capita on justice is how willing the citizens and their elected officials are to tax themselves to fund government programs in general.

... **degree of urbanization.** It has long been known that urban and suburban areas have higher crime rates than rural areas. States with a high proportion of their population living in such metropolitan areas spend more per capita for justice activities than their more rural counterparts.

What are the trends in justice spending?

Governments adjust their spending patterns in response to the changing needs of society and shifts in the public's demand for services

Education's share of all state and local government spending grew from 25% in 1902 to about 40% in the 1960's as the post-World War II babies moved through the public school system. But, by 1980, education's share had dropped to a 20-year low of 33%.

The impact of the Great Depression and resulting social insurance programs can be seen on spending for public welfare.⁸ In 1927, 2% of all state and local government spending was for welfare. Five years later, it had nearly tripled; it peaked at 13% in 1950. During the 1950's and 1960's, it leveled off at 8-9% of government spending; these were years of relatively strong economic growth and low unemployment. By the 1970's, welfare began consuming a larger share of state and local spending as the economy worsened and increasing numbers of older Americans became eligible for Medicaid benefits.

Dramatic changes such as these are not seen in the spending for police protection and corrections. Police protection fluctuated between 3% and 5% of all state and local spending during 1902-80; state and local spending for corrections has remained at less than 2% of the total since 1952, when data first became available.

During 1960-80, per capita spending grew faster for corrections than for police protection

In constant dollars, state and local annual spending per capita for corrections grew during 1960-80 at the rate of 5.5% per year, while the annual growth rate for police protection was only 3.3%. The increase for police protection was close to the average 3.2% rate of growth in overall state and local government spending. Spending for public welfare increased at the rate of

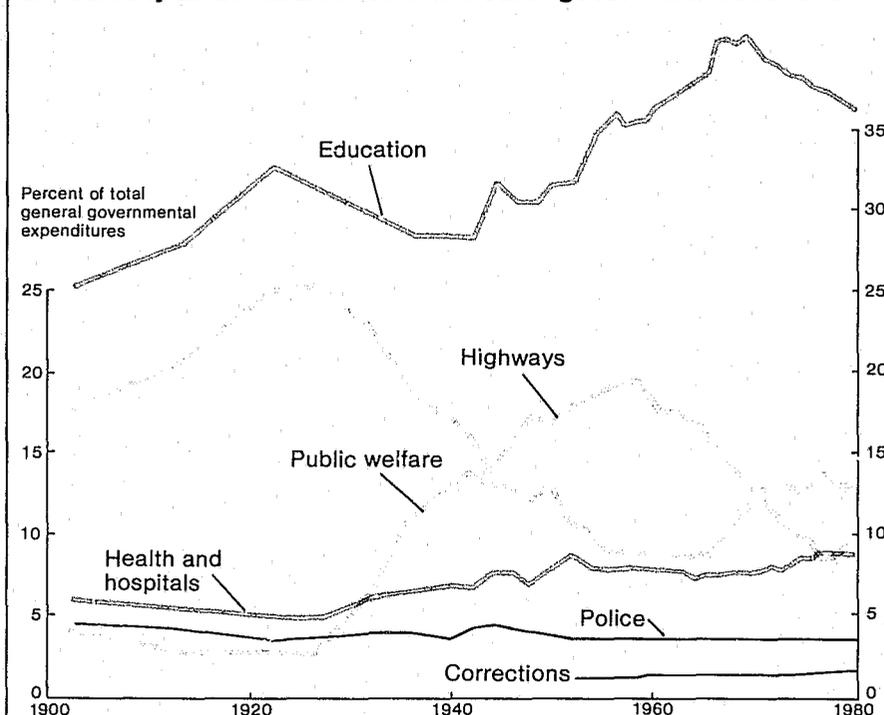
10.0% per year, hospitals and health care, 5.2% and education 2.9%; highway spending decreased at an average annual rate of 1%.

Total state and local spending reached \$1,911 per capita in 1980. This included:

- \$586 for education

- \$208 for welfare
- \$147 for highways
- 142 for hospitals and health care
- \$59 for police protection
- \$28 for corrections
- \$741 for all other functions such as sanitation, parks, recreation, housing and fire protection.

During this century, the police and corrections shares of state and local spending have not fluctuated as radically as the shares for some other government functions



Source: *Historical statistics of governmental finances and employment, 1977 census of governments, 1977, table 4, and Governmental finances in 1979-80, table 3, U.S. Bureau of the Census.*

States and local government per capita spending for police and corrections increased along with most other government functions during the past 20 years.

	Spending per capita in constant 1980 dollars*					% change 1960-80
	1960	1965	1970	1975	1980	
Education	\$366	\$415	\$503	\$571	\$586	+ 60%
Public welfare	67	84	145	187	208	+210
Highways	186	203	193	159	147	- 21
Hospitals and health care	68	80	105	131	142	+109
Police protection	35	39	47	58	59	+ 69
Corrections	13	15	17	23	28	+115

*See technical appendix for details on inflation adjustment procedures.

Source: *Historic statistics of governmental finances and employment, 1977 census of governments, U.S. Bureau of the Census, 1979. Government finances 1979-80, U.S. Bureau of the Census, 1981.*

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Notes

¹The relationship between crime rate and per capita expenditures may not be as straightforward as it seems here. The subject has been extensively studied and some researchers using different data bases and analytic techniques have concluded that no relationship exists in the cities and states they have examined. Loftin and McDowell present a review of recent research in this area.

²*Per capita spending (per capita expenditure for criminal and civil justice, 1979)*, *Justice expenditure and employment in the U.S., 1979*, Bureau of Justice Statistics (Washington: USGPO, 1982), table 6; *Preliminary intercensal estimates of the population of States: 1970 to 1980*, U.S. Bureau of the Census.

³*Crime rate (Index crime rate per 100,000 persons, 1979)*, in *Crime in the United States, 1979*, Federal Bureau of Investigation (Washington: USGPO, 1980) table 3; *Preliminary intercensal estimates of the population of States: 1970 to 1980*, U.S. Bureau of the Census.

⁴*Priority for justice spending (Percent of total state and local expenditure for civil and criminal justice, 1979)*, *Governmental finances in 1978-79*, U.S. Bureau of the Census (Washington: USGPO, 1982), table 12; *Justice expenditure and employment in the U.S., 1979*, Bureau of Justice Statistics (Washington: USGPO, 1982), table 6; adjusted to include police expenditure of special districts.

⁵*Relative taxable wealth (Percent of national average tax capacity, 1979)*, *Tax capacity of the fifty states - supplement: 1980 estimates*, Advisory Commission on Intergovernmental Relations (Washington: USGPO, 1982).

⁶*Relative tax effort (Percent of national average tax effort, 1979)*, *Tax capacity of the fifty states - supplement: 1980 estimates*, Advisory Commission on Intergovernmental Relations (Washington: USGPO, 1982).

⁷*Percent of population living in metropolitan areas, 1980*, U.S. Bureau of the Census, *Standard metropolitan statistical areas, and standard consolidated statistical areas*, table 5 (Washington: USGPO, 1981).

⁸The state and local public welfare data here are illustrative of changes in government spending for social programs over time. The data do not include federal programs that provide direct assistance to individuals, such as Social Security, but do include programs that pass federal money through state and local governments, such as Medicaid.

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