

Colorado

WOMEN IN PRISON: 2,073^(06/05)¹

Custodial Sexual Misconduct

Custodial Sexual Misconduct – Statute

§ 18-3-402ⁱ – Sexual Assault

§ 18-3-404(1)fⁱⁱ – Unlawful Sexual Contact

§ 18-7-701ⁱⁱⁱ – Sexual Conduct in Penal Institutions^{iv}

Colorado’s laws are part of its Criminal Code. Sexual Assault (“§402”) and Unlawful Sexual Contact (“§404”) are in the Offenses Against the Person section; Sexual Conduct in Penal Institutions (“§701”) is in Offenses Relating to Morals. Combined, §402 and §404 cover a larger number of people and places of confinement but have a “consent defense” issue, while §701 has no consent issue but covers fewer places of confinement.

Does the law impose a criminal penalty on the inmate?	No	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	Yes	All forms of sexual abuse are covered.
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	Yes	§402 and §404 require that the actor “uses this position of authority,” which allows for a consent defense. §701 does not allow a consent defense.
Does the statute cover all custodians and staff in contact with inmates?	No	§18-3-402 and 404 apply to hospitals and other institutions as well, but require the actor to have “supervisory or disciplinary authority” over the inmate. §18-7-701 applies to employees, contract employees, or volunteers of a criminal justice facility, as well as individuals who perform work or volunteer functions in a criminal justice facility or for the department of corrections.
Does the statute cover all places where inmates might be abused?	No	§402 and §404 are not concerned where the abuse took place. §701 requires that the inmate be in lawful custody in a criminal justice facility.
Is the penalty a felony?	Yes	Violation of §402 is a Class 4 felony (or a Class 2 or 3 felony if accompanied by specified aggravating circumstances). Violation of §404 is a Class 1 misdemeanor (or a Class 4 felony if accompanied by specified circumstances). Violation of §701 is a Class 5 or 6

ⁱ Custodial sexual misconduct was formerly addressed in §18-3-403, which was repealed and re-enacted with amendments as §18-3-402 by the 2000 enactment of HB 1107. The amendments include a new sentencing provision regarding class 2 felony sexual assault, as detailed in subsection (5).

ⁱⁱ §18-3-404(1)f was amended by the by the 2004 enactment of HB 1388, which added that unlawful sexual contact is an extraordinary risk crime that is subject to the modified sentencing range specified in section 18-1.3-501(3), which classifies misdemeanors.

ⁱⁱⁱ §18-7-701 was amended by the 2002 enactment of SB 175, which broadened its coverage to include all employees, contract employees, or volunteers of a criminal justice facility, as well as individuals who perform work or volunteer functions in a criminal justice facility or for the department of corrections. The amendment also broadened the section’s protection by eliminating the requirement that victims be in confinement. The amendment further added that sexual conduct including sexual intrusion or sexual penetration committed by a volunteer is a class 6 felony and sexual conduct in a penal institution is a class 1 misdemeanor if the sexual conduct consists solely of sexual contact and is committed by a volunteer.

^{iv} The text of Colorado’s statutes is reprinted at the end of this section.

		felony for all situations except sexual conduct committed by a volunteer in a penal institution, which is a Class 1 misdemeanor.
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Custodial Sexual Misconduct – Allegations and Incidents

<p>Indictments/Convictions (answer to AI letter requesting information) ²</p>	<p>The Colorado Attorney General’s Office does not compile statistics on prosecutions or convictions under the state’s CSM legislation. The Attorney General noted they do not have jurisdiction to prosecute under the statutes in question.³</p> <p>The Colorado District Attorney’s Council responded that their data system indicates 36 cases involving state CSM charges from 2002 through September 2005. Of those cases:⁴</p> <ul style="list-style-type: none"> - 2 were dismissed; - 4 were not filed after investigation and review; - 13 resulted in convictions; - 17 show no disposition (13 of these were filed in 2005 or late 2004, and 4 “are likely missed disposition entries”)
<p>Incidents reported in select media since January 2000</p>	<ul style="list-style-type: none"> - Brush Correctional Facility: Corrections Officer Frederick Henry Woller, 32, and former Warden Richard Soares, 57, joined Corrections Officer Russell Rollison, 31, who was charged with unlawful sexual misconduct in a penal institution on March 4, 2005. The officers were charged with allegedly having sex with seven inmates. Former warden Soares was charged with hindering prosecution. The Brush prison, managed by GRW, became the first private prison for women in Colorado, opened in August 2003. It houses 80 inmates from Hawaii, 73 from Colorado, and 45 from Wyoming. (<i>Fort Morgan Times</i>, 3/10/2005) - Brush Correctional Facility: On April 6, 2005 a 21-member women’s caucus sent a letter to he Hawaii Governor Linda Lingle expressing deep concern about the reports of abuse, including retaliation against Hawaiian prisoners. Allegations of retaliation include the confiscation of legal materials and unfair disciplinary actions. Due to allegations of custodial sexual misconduct and other misconduct Wyoming removed its 38 prisoners from Brush Correctional Facility. (<i>Prison Legal News</i>, Vol. 16 No. 10, October 2005) - Pueblo Minimum Center: Robert Anderson, former corrections officer at Pueblo, was formally charged with sexual contact in a penal institution by a public employee, after the victim taped a conversation with him regarding past sex acts. This sparked an investigation by the Colorado Department of Corrections into numerous allegations of sexual misconduct by male staff at the Pueblo women’s prison. The probe has led to the termination of three guards, the transfer of two others and the filing of criminal charges against Anderson and one other officer. (<i>Stop Prison Rape News</i>, 5/6/04) - Denver Women’s Correctional Facility: A former state prison guard who raped two women was sentenced to four years in jail and eight years probation. The women said that Daniel Gallegos raped them and forced them to perform oral sex on him in closets, storerooms and stairwells at the women’s prison. He pleaded guilty to sexual assault and attempted sexual assault. According to the prosecutor, the women agreed to the probation deal to avoid going through a trial. (<i>Rocky Mountain News</i>, 2/11/04)

	<ul style="list-style-type: none"> - YOS: Two female inmates filed lawsuits against a state youth correction center where they were allegedly raped and forced to take birth control pills so they wouldn't get pregnant. Both petitioners were 17 year-old female at the time of the alleged rapes. The suits named 11 current or former employees of the Youthful Offender System in Pueblo. Two of the defendants pleaded guilty last year to sexual misconduct in a penal institution and were sentenced to 18 months in prison. (<i>AP, 07/14/03</i>) - ACLU's National Prison Project filed a lawsuit on behalf of Robin Darbyshire against Extraditions International, a prisoner transport company, and its employee Richard Almendarez, who allegedly sexually assaulted and threatened the plaintiff and another female prisoner. Extraditions took custody of Darbyshire in Carson City, Nevada, in May 2001 to transport her to a Colorado jail. At a rest stop, Almendarez allegedly brought Darbyshire to the bathroom and forced her to lie down on the floor. The 325-pound officer allegedly ordered her to expose her breasts and lift up her skirt. He then reportedly masturbated while standing above her and ejaculated onto her breasts. The officer allegedly told Darbyshire that he would shoot her if she screamed. Despite complaints made by Darbyshire during a stop at the Extraditions International office in Commerce City, CO, the company placed her back in the van. The lawsuit asserts that Extraditions International hired Almendarez to transport prisoners despite knowing that the Texas prison system had fired him for assaulting a prisoner there. The lawsuit was settled for money damages. (<i>ACLU press release, 03/14/03</i>) - Maria Casillas, 22, was seven months pregnant. Charged with possession of false documents and re-entering the country illegally, she stayed in jail, waiting for her hearing, for two months. Just before her due date, sheriff's officers transferred her to Denver Health Medical Center to a secure ward. On Nov. 11, contractions began. Casillas was shackled to a wheelchair and taken the 100 yards to the main hospital building. Leg irons were placed around her ankles while she lay in bed. They were removed during labor and replaced 35 minutes after birth. Casillas held her child for two hours, and then authorities took the baby away. The next day, Casillas was sent back to jail. Upon her arrival, she was strip-searched, ordered to bend over, expose herself and cough three times, causing her a great deal of pain. After she explained her discomfort, the authorities said they didn't care and to cough harder. When asked about this, jail director Fred Oliva said it was procedure. All pregnant women in custody must go through the same shackle and strip-search routine. Casillas was convicted of a misdemeanor a week after the baby was born. (<i>Rocky Mountain News 12/7/02</i>) - Denver Women's Correctional Facility: Prison guard David W. Christensen was charged with sexual assault of a victim in custody Christensen allegedly fondled and raped the victim in a supply closet, after threatening to "write her up" and make sure she didn't get parole. (<i>Rocky Mountain News, 09/16/02</i>) Christensen was found guilty of sexual assault and sentenced to five years to life. (<i>Denver Westword, 05/12/05</i>) - Huerfano County Jail: The second of two jailers charged with sexually assaulting female inmates pled guilty and was sentenced to ten years' probation. (<i>Rocky Mountain News, 03/09/00</i>)
Other reported incidents	<p><i>Gonzales v. Martinez, 403 F.3d 1179 (10 th Cir. 2005), cert. denied, 74 U.S.L.W. 3287 (2005)</i></p> <p>Huerfano County Jail: Jail guards Robert Martinez and Dominick Gonzales were suspended and later convicted for sexually assaulting female inmates. One of the assaulted inmates, Tereza Gonzales, filed a civil suit against Martinez and Gonzales, as well as Huerfano County and its Sheriff, alleging that other incidents of sexual assault had taken place at Huerfano County jail</p>

	and that the Sheriff and Martinez failed to take steps necessary to assure her safety. A district court's dismissal of the case was reversed on appeal, where the court found that evidence raised a reasonable inference that Sheriff Salazar knew of and disregarded an excessive risk to Ms. Gonzales.
	<p><i>DeFoor v. Rotella</i>, 2000 U.S. App. LEXIS 5028 (10th Cir. 2000)</p> <p>In February and March 1995, DeFoor was an inmate at the Garfield County jail where Rotella and Troy Howerton were guards. On February 5, 1995, DeFoor alleged that Rotella and other guards came to her cell while she was getting out of the shower and made sexually harassing statements to her. DeFoor also complained that guards solicited sexual favors from female inmates in exchange for cigarettes. On March 20, 1995, Howerton took DeFoor from her cell to a bathroom, where DeFoor alleges that Howerton raped her; Howerton contends that they had consensual sexual intercourse. Just prior, Howerton asked Rotella to delay a jail trustee from going into the kitchen area so he could take DeFoor through the kitchen. Rotella claims that he tried to talk Howerton out of the ruse and took no affirmative action to keep the trustee out of the kitchen or otherwise to act as a lookout. According to Howerton, Rotella agreed to detain the trustee. Garfield County jail had a history of sexual misconduct between guards and inmates. In August 1994, a guard was placed on leave for allegations of sexual misconduct with a prisoner; in November 1995, a guard resigned after allegations of fraternization with an inmate; in April 1995, a guard was warned for passing cigarettes into cells after inmates allowed him to watch them remove their clothing.⁵</p>

Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women

The following is based on data provided by the Colorado Department of Corrections in response to AI's survey in 2000 and 2002. AI did not receive data from the Colorado Department of Corrections in 2005. Additional information from other sources is included where appropriate.

Is the current Department of Corrections policy on custodial sexual misconduct language-explicit?	Yes	According to Colorado DOC, their policy contains specific language about the nature of the sexual behaviors prohibited. Unlike the statutes 18-3-402 and 18-3-404, the Colorado DOC administrative regulations cover all custodial and other staff in contact with inmates. DOC regulations do not allow staff to claim that an inmate consented to the sexual act(s) in order to avoid disciplinary actions. ⁶
Allow cross-gender pat-down searches?		No information provided.
What is the percentage of female officers in relation to male officers?		No information provided
Restrictions on the duties of male guards?		No information provided
Staff training on sexual misconduct?		No information provided
Inform inmates of agency policies and reporting procedures on sexual misconduct?		No information provided

Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response

The following is based on the Colorado Department of Corrections response to AI's surveys, please see above.

Is medical help available for the		No information provided
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victim of alleged sexual abuse?		
Are immediate mental health services available for the victim of alleged sexual abuse?		No information provided
Is counseling available for the victim of alleged sexual abuse?		No information provided
Is a rape kit taken?		No information provided
Are there special procedures for investigating allegations of sexual misconduct?		No information provided
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?		No information provided
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?		No information provided
Is the investigation external?		No information provided
If there is an external investigation, how is it triggered?		No information provided
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?		No information provided
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?		No information provided
Are special measures taken to shield alleged victims from retaliation?		No information provided
If so, do the measures include solitary confinement or lock-down of the inmate?		No information provided

Custodial Sexual Misconduct – Pending Legislative Proposals

<i>None</i>

Pregnancy in Custody

Pregnancy - Statute

Legislation banning shackling in the third trimester or during labor	No	Colorado has no legislation limiting the use of shackling on pregnant inmates.
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Pregnancy – Allegations and Incidents

Denver County Jail: Maria Casillas was seven months pregnant upon arrest for possession of false documents and re-entering the US illegally. Her hearing was scheduled for two months later, and was held in jail until that time. She was transferred to a secure ward in the Denver Health Medical Center shortly before her due date. When contractions began, Casillas was shackled to a wheelchair and transferred 100 yards to the main hospital building where her ankles were placed in leg irons. Reportedly, the shackles were removed during labor and replaced 35 minutes after birth. Casillas held her child for two hours before the authorities took the baby; Casillas' mother picked the baby up the same day. The next day, Casillas was sent back to jail where she was strip-searched, ordered to bend over, expose herself, and cough three times. "I had six stitches and it hurt," said Casillas. "I told them, 'I just had a baby. It hurts.' They said they didn't care and told me to cough harder." It was 13 days before Casillas saw her baby again. Her mother, husband, and 4-year-old son were told that there was no room when they tried to visit. (*Rocky Mountain News*, 12/07/02)

Pregnancy - Policies, Procedures and Practices

The following is based on the Colorado Department of Corrections response to AI's surveys, please see above.

Use of restraints in third trimester	--	Colorado Department of Corrections policy is restricted for security reasons. ⁷
Restraints during transport	--	See above.
Restraints during labor	--	See above.
Officer in delivery room	--	See above.

Contact information

COLORADO DEPARTMENT OF CORRECTIONS

Executive Director Joe Ortiz 2862 South Circle Drive Colorado Springs, CO 80906-4195 Phone (719) 579-9580 Fax: (719) 226-4755	Website: http://www.doc.state.co.us/
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COLORADO DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN

Colorado Women's Correctional Facility <i>Female Inmates: 212 (06/05)</i> ⁸ Warden: James Abbott 3800 Grandview P.O. Box 500 Canon City, CO 81215-0500 Telephone: (719) 269-4704	Denver Women's Correctional Facility <i>Female Inmates: 880 (6/05)</i> ⁹ Warden: Joanie Shoemaker 10900 Smith Road Denver, CO 80239-8004 Telephone: (303) 307-2500	Colorado Territorial Correctional Facility <i>Female Inmates: 0 (11/02)</i> ¹⁰ Warden: James E. Abbott 275 West Highway 50 P.O. Box 1010 Cañon City, CO 81215-1010 Telephone: (719) 269-4002
Pueblo Minimum Center <i>Female Inmates: 256 (0/05)</i> ¹¹ Warden: Cherrie Greco 1410 W. 13th Street P.O. BOX 3 Pueblo, CO 81003 Telephone: (719) 544-4800	Colorado Corrections Alternative Program ("Boot Camp") <i>Female Inmates: 5 (11/02)</i> ¹² Address is for Buena Vista Correctional Complex Warden: Tony Carochi 15125 Highway 24 & 285 P.O. Box 2017 Buena Vista, CO 81211 Telephone: (719) 395-2404	Denver Reception & Diagnostic Center <i>Female Inmates: 5 (11/02)</i> ¹³ Warden: Joanie Shoemaker 10900 Smith Road P.O. Box 392004 Denver, CO 80239-8004 Telephone: (303) 371-4840

COLORADO EXECUTIVE

Governor Bill Owens [R] <i>8 year term limit</i> 136 State Capitol Denver, CO 80203-1792 Phone (303) 866-2471; Fax (303) 866-2003 Email: governorowens@state.co.us	Homepage: http://www.state.co.us/gov_dir/governor_office.html Elected: 1998; Reelected 2002
Attorney General John W. Suthers Colorado Department of Law Office of the Attorney General 1525 Sherman St. 5 th floor Denver CO 80203 Phone: (303) 866-4500; Fax: (303) 866-5691 Email: attorney.general@state.co.us	Homepage: http://www.ago.state.co.us/index.cfm Appointed: 2004

COLORADO LEGISLATIVE INFORMATION

House: 65 members, 2 year term (8 yrs max) Senate: 35 members, 4 year term (8 yrs max) Legislatures may introduce no more than five bills that are not appropriations or from interim committees. Legislative Session: Begins in odd-numbered year on the second Wednesday in January. Runs both years for 120 nonconsecutive days.	Legislature Homepage: http:// www.leg.state.co.us Bill Search http://www.leg.state.co.us/pubhome.nsf Bill information phone number: (303) 866-3055
Senate 200 E. Colfax Denver, CO 80203	
House of Representatives 200 E. Colfax Denver, CO 80203	

WOMEN IN PRISON - NGO RESOURCES

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>Colorado-CURE c/o Dianne Tramutola-Lawson 3470 S. Poplar #406 Denver, CO 80224 Phone: (303) 933-3673</p>
<p>Rocky Mountain Peace & Justice Center Prisoner's Rights Project PO Box 1156 Boulder CO 80306-1156 Phone: (303) 444-6981; Fax: (303) 444-6523 Email: info@rmpjc.org Website: www.rmpjc.org <i>Categories: Prisoner Support, Publications, Student/Campus Organizations</i></p>
<p>Native American Rights Fund 1506 Broadway Boulder CO 80302-6296 Phone: (303) 447-8760; Fax: (303) 443-7776 Website: www.narf.org Services: Provides legal representation and technical assistance to Indian tribes, organizations and individuals nationwide - a constituency that often lacks access to the justice system. NARF focuses on applying existing laws and treaties to guarantee that national and state governments live up to their legal obligations.</p>
<p>ACLU of Colorado 400 Corona Street Denver, CO 80218 Phone: 303-777-5482 E-mail: info@aclu-co.org Website: www.aclu-co.org</p>
<p>Colorado Ex-Offender Employment Colorado Div. of Employment and Training Westside Workforce Center 1200 Federal Blvd. Denver, Colorado 80204 Phone: (720) 944-1212; Fax: (720) 944-4131</p>

Colorado's Custodial Sexual Misconduct Statutes
Excerpted

18-3-402. Sexual assault

(1) Any actor who knowingly inflicts sexual intrusion or sexual penetration on a victim commits sexual assault if:
...
(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority to coerce the victim to submit, unless the act is incident to a lawful search;
...
(2) Sexual assault is a class 4 felony, except as provided in subsections (3), (3.5), (4), and (5) of this section.
...
(4) Sexual assault is a class 3 felony if it is attended by any one or more of the following circumstances:
(a) The actor causes submission of the victim through the actual application of physical force or physical violence; or
(b) The actor causes submission of the victim by threat of imminent death, serious bodily injury, extreme pain, or kidnapping, to be inflicted on anyone, and the victim believes that the actor has the present ability to execute these threats; or
(c) The actor causes submission of the victim by threatening to retaliate in the future against the victim, or any other person, and the victim reasonably believes that the actor will execute this threat. As used in this paragraph (c), "to retaliate" includes threats of kidnapping, death, serious bodily injury, or extreme pain; or
(d) The actor has substantially impaired the victim's power to appraise or control the victim's conduct by employing, without the victim's consent, any drug, intoxicant, or other means for the purpose of causing submission.
(e) (Deleted by amendment, L. 2002, p. 1578, § 2, effective July 1, 2002.)

(5) (a) Sexual assault is a class 2 felony if any one or more of the following circumstances exist:
(I) In the commission of the sexual assault, the actor is physically aided or abetted by one or more other persons; or
(II) The victim suffers serious bodily injury; or
(III) The actor is armed with a deadly weapon or an article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or represents verbally or otherwise that the actor is armed with a deadly weapon and uses the deadly weapon, article, or representation to cause submission of the victim.
(b) (I) If a defendant is convicted of sexual assault pursuant to this subsection (5), the court shall sentence the defendant in accordance with

[section 18-1.3-401 \(8\)\(e\)](#). A person convicted solely of sexual assault pursuant to this subsection (5) shall not be sentenced under the crime of violence provisions of [section 18-1.3-406 \(2\)](#). Any sentence for a conviction under this subsection (5) shall be consecutive to any sentence for a conviction for a crime of violence under [section 18-1.3-406](#).

18-3-404. Unlawful sexual contact

(1) Any actor who knowingly subjects a victim to any sexual contact commits unlawful sexual contact if:

...

(f) The victim is in custody of law or detained in a hospital or other institution and the actor has supervisory or disciplinary authority over the victim and uses this position of authority, unless incident to a lawful search, to coerce the victim to submit;

...

(2) (a) Unlawful sexual contact is a class 1 misdemeanor and is an extraordinary risk crime that is subject to the modified sentencing range specified in [section 18-1.3-501 \(3\)](#).

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), unlawful sexual contact is a class 4 felony if the actor compels the victim to submit by use of such force, intimidation, or threat as specified in [section 18-3-402 \(4\) \(a\)](#), (4) (b), or (4) (c) or if the actor engages in the conduct described in paragraph (g) of subsection (1) of this section or subsection (1.5) of this section.

(3) If a defendant is convicted of the class 4 felony of unlawful sexual contact pursuant to paragraph (b) of subsection (2) of this section, the court shall sentence the defendant in accordance with the provisions of [section 18-1.3-406](#); except that this subsection (3) shall not apply if the actor engages in the conduct described in paragraph (g) of subsection (1) of this section.

18-7-701. Sexual conduct in penal institutions

(1) An employee, contract employee, or volunteer of a criminal justice facility or an individual who performs work or volunteer functions in a criminal justice facility or for the department of corrections who engages in sexual conduct with a person who is in lawful custody in a criminal justice facility commits the offense of sexual conduct in a penal institution.

(2) For purposes of this section:

(a) "Criminal justice facility" means a correctional facility, as defined in [section 17-1-102 \(1.7\), C.R.S.](#), operated by or under contract with the department of corrections or a jail.

(b) "Sexual conduct" means sexual contact as defined in [section 18-3-401 \(4\)](#), sexual intrusion as defined in [section 18-3-401 \(5\)](#), or sexual penetration as defined in [section 18-3-401 \(6\)](#). "Sexual conduct" does not include acts of an employee of a criminal justice facility or a person who has custody of another person that are performed to carry out the necessary duties of the employee or the person with custody.

(3) Sexual conduct in a penal institution is a class 5 felony if the sexual conduct includes sexual intrusion or sexual penetration and is committed by an employee or contract employee of a criminal justice facility or by an employee, contract employee, or individual who performs work functions in a criminal justice facility or for the department of corrections.

(4) Sexual conduct in a penal institution is a class 6 felony if:

(a) The sexual conduct consists solely of sexual contact and is committed by an employee or contract employee of a criminal justice facility or by an employee, contract employee, or individual who performs work functions in a criminal justice facility or for the department of corrections; or

(b) The sexual conduct includes sexual intrusion or sexual penetration and is committed by a volunteer.

(5) Sexual conduct in a penal institution is a class 1 misdemeanor if the sexual conduct consists solely of sexual contact and is committed by a volunteer.

¹ Colorado Department of Corrections (DOC), *Statistics: Monthly Adult Inmate Jurisdictional Population and Capacity*, 06/2005, available at <http://www.doc.state.co.us/Statistics/MonthlyReport/ReportPages/June2005/Page1.pdf>, as per 01/25/06.

² The information does not reflect prosecutions or convictions under rape statutes.

³ Email from Jeanne Smith, Deputy Attorney General, Colorado Attorney General's Office, 08/15/05.

⁴ Letter from Robert S Grant, Executive Director, Colorado District Attorney's Council, 09/08/05.

⁵ 2000 U.S. App. LEXIS 5028.

⁶ Phone conversation with Heidi Hayes, Public Information Officer, Colorado DOC, 02/15/2001.

⁷ Letter from Lisa Thayer, Policy Coordinator, Colorado DOC, 10/23/2000.

⁸ Colorado DOC, *Statistics: Monthly Adult Inmate Jurisdictional Population and Capacity*, June 2005, available at <http://www.doc.state.co.us/Statistics/MonthlyReport/ReportPages/June2005/Page1.pdf>, as per 01/25/06.

⁹ Colorado DOC, *Statistics: Monthly Adult Inmate Jurisdictional Population and Capacity*, June 2005, available at <http://www.doc.state.co.us/Statistics/MonthlyReport/ReportPages/June2005/Page1.pdf>, as per 01/25/06.

¹⁰ Email from Bonnie Barr, Statistical Analyst Colorado DOC

¹¹ Colorado Department of Corrections, *Statistics: Monthly Adult Inmate Jurisdictional Population and Capacity*, 06/2005, available at <http://www.doc.state.co.us/Statistics/MonthlyReport/ReportPages/June2005/Page1.pdf>, as per 01/25/06.

¹² Email from Bonnie Barr, Statistical Analyst, Colorado DOC

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