

JOINT BUDGET COMMITTEE



SUPPLEMENTAL BUDGET REQUESTS FY 2023-24

DEPARTMENT OF CORRECTIONS

JBC WORKING DOCUMENT - SUBJECT TO CHANGE
STAFF RECOMMENDATION DOES NOT REPRESENT COMMITTEE DECISION

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JANUARY 23, 2024

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DEPARTMENT OF CORRECTIONS

DEPARTMENT OVERVIEW

The Department of Corrections (DOC) is responsible for:

- Managing, supervising, and controlling the correctional facilities that are owned and operated by the State.
- Paying for privately operated prison facilities that house state prisoners and monitoring contract compliance.
- Operating programs for offenders that provide treatment and services that improve the likelihood of successfully reintegrating into society following release.
- Supervising and counseling inmates in community corrections programs and offenders who have been placed on parole.
- Operating correctional industries within the institutions that have a rehabilitative or therapeutic value for inmates and which also supply products for state institutions and the private sector.
- Operating the Youthful Offender System (YOS), which serves as a middle tier sentencing option (between the juvenile system and the adult system) for violent youthful offenders who would otherwise be sentenced to the adult prison system.

SUMMARY: FY 2023-24 APPROPRIATION AND RECOMMENDATION

DEPARTMENT OF CORRECTIONS: RECOMMENDED CHANGES FOR FY 2023-24						
	TOTAL FUNDS	GENERAL FUND	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	FTE
FY 2023-24 APPROPRIATION						
S.B. 23-214 (Long Bill)	\$1,082,512,096	\$988,667,494	\$45,669,318	\$44,928,789	\$3,246,495	6,343.1
Other legislation	532,631	532,631	0	0	0	3.0
CURRENT FY 2023-24 APPROPRIATION:	\$1,083,044,727	\$989,200,125	\$45,669,318	\$44,928,789	\$3,246,495	6,346.1
RECOMMENDED CHANGES						
Current FY 2023-24 Appropriation	\$1,083,044,727	989,200,125	\$45,669,318	\$44,928,789	\$3,246,495	6,346.1
Staff-initiated Change DOC supplemental caseload deadline	0	0	0	0	0	0.0
S1/BA1 Prison caseload	(6,543,145)	(6,543,145)	0	0	0	(0.8)
S2/BA2 Medical caseload	4,836,927	4,836,927	0	0	0	0.0
S3/BA3 Staff incentives and bonuses	0	0	0	0	0	0.0
S4 Overtime	1,033,577	1,033,577	0	0	0	0.0
S5/BA4 Corrections Training Academy	769,596	769,596	0	0	0	0.0
S6 Contract agency staffing	5,500,000	5,500,000	0	0	0	0.0
S7/BA5 Food service inflation	362,254	362,254	0	0	0	0.0
S8/BA7 Inmate phone calls	0	0	0	0	0	0.0
S9/BA9 Technical adjustments	0	0	0	0	0	0.0
S10 Reverse FAU transfer from Parole to Inspector General	(367,894)	(367,894)	0	0	0	(0.9)
ES1 Buena Vista housing	120,000	120,000	0	0	0	0.0
Non-prioritized decision items	4,265,555	4,116,642	148,913	0	0	0.0
RECOMMENDED FY 2023-24 APPROPRIATION:	\$1,093,021,597	\$999,028,082	\$45,818,231	\$44,928,789	\$3,246,495	6,344.4
RECOMMENDED INCREASE/(DECREASE)	\$9,976,870	\$9,827,957	\$148,913	\$0	\$0	(1.7)
Percentage Change	0.9%	1.0%	0.3%	0.0%	0.0%	(0.0%)
FY 2023-24 EXECUTIVE REQUEST						
Request Above/(Below) Recommendation	\$9,553,141	\$9,562,998	(\$9,857)	\$0	\$0	0.8

REQUEST/RECOMMENDATION DESCRIPTIONS

S1/BA1 PRISON CASELOAD: The Department requests a reduction of \$177,007 total funds, including \$172,144 General Fund, in FY 2023-24 for a reduction of 326 male prison beds. Per the related budget amendment, the decrease would be \$708,028 total funds, including \$688,575 General Fund, in FY 2024-25. JBC staff recommends a reduction of \$6,543,145 General Fund and 0.8 FTE in FY 2023-24. This represents a reduction of 518 male prison beds

S2/BA2 MEDICAL CASELOAD The Department requests an increase of \$4,465,346 General Fund in FY 2023-24. The request is based four things: (1) updated inmate population projections, (2) an \$13.81 increase in the pharmaceutical per offender per month (POPM) rate and a \$21.45 increase in the external medical services POPM rate, (3) increased emergency transport needs for offenders, and (4)

increases in offender security services costs at external medical locations. Staff recommends an increase of \$4,836,927 General Fund in FY 2023-24.

S3/BA3 STAFF INCENTIVES AND BONUSES: The Department requests an increase of \$482,826 General Fund in FY 2023-24. Per the related budget amendment, this would increase to \$2,994,077 General Fund in FY 2024-25 and would not continue in future years. These funds would support \$14,000 hiring bonuses for the certain job classes with high vacancy rates in clinical healthcare and the Sex Offender Treatment and Monitoring Program (SOTMP). These incentives are modeled on incentives provided by the Department of Human Services. Staff recommends denial of the request for FY 2023-24.

S4 OVERTIME: The Department requests an increase of \$4,056,458 General Fund in FY 2023-24 to address a projected deficit in overtime expenses. The FY 2023-24 Long Bill includes \$35.3 million General Fund for overtime but the Department is expecting to spend \$39.4 million. Staff recommends an increase of \$1,033,577 General Fund in FY 2023-24.

S5/BA4 CORRECTIONS TRAINING ACADEMY: The Department requests an increase of \$769,596 General Fund in FY 2023-24. Per the related budget amendment for FY 2024-25, this funding would continue in FY 2024-25. The request says the Department needs to increase throughput at its training academy to improve staffing levels. If not approved, the request says the Department will be forced to defer the majority of new hiring until July 1, 2024. Staff recommends approval of the request for FY 2023-24.

S6 CONTRACT AGENCY STAFFING: The Department requests an increase of \$5,500,000 General Fund in FY 2023-24 to address a projected deficit in funding for contracted healthcare workers. Per the request, the Department expects \$26,645,978 to be available for contracted healthcare workers from two sources: (1) \$23.9 million of \$44.0 million General Fund appropriated for *Personal Services* in the Medical Services Subprogram, and (2) \$2.7 million General Fund in the *Service Contracts* line item in the same subprogram. However, the Department projects that it will spend \$32,163,269 General Fund on contracted healthcare workers. Staff recommends approval of the request for FY 2023-24.

S7/BA5 FOOD SERVICE INFLATION: The Department requests an increase of \$362,254 General Fund in FY 2023-24. These funds would help the Department meet the requirements of the Colorado Mental Health Hospital in Pueblo (CMHHIP) inter-agency agreement in which Department of Human Services (DHS) provides food services to the DOC facilities located on CMHHIP campus. Per the related budget amendment, this would increase to \$402,558 General Fund in FY 2024-25 and would remain in the budget in future years. Staff recommends approval of the request.

S8/BA7 INMATE PHONE SYSTEM: The Department requests an increase of \$120,217 General Fund in FY 2023-24. Per the related budget amendment, this would increase to \$201,966 General Fund in FY 2024-25. The request says that additional funding is necessary because the Department's share of phone call expenses is expected to exceed the fiscal note estimates for H.B. 23-1133 (Cost of Phone Calls for Persons in Custody). Staff recommends delaying action until figure setting.

S9/BA9 TECHNICAL ADJUSTMENTS: The Department requests multiple net-neutral technical adjustments. Staff recommends approval of the request.

S10 REVERSE FAU TRANSFER FROM PAROLE TO INSPECTOR GENERAL: The Department requests reduction of \$395,600 General Fund and 0.9 FTE in FY 2023-24. This request represents the current year impact of the Department's decision to reverse a decision item that was incorporated into the FY 2023-24 budget. Staff recommends a decrease of \$367,894 General Fund in FY 2023-24.

ES1 BUENA VISTA HOUSING: The Committee approved an interim supplemental request of \$120,000 General Fund in FY 2023-24. This increases to \$360,000 General Fund in FY 2024-25. These funds aim to help the DOC secure housing accommodations for up to 50 staff through one or more housing vendors in the greater Buena Vista area.

NON-PRIORITIZED DECISION ITEMS: The Department request a net increase of \$4,225,921 total funds for non-prioritized decision items originating in other Departments. The staff recommendations for these items are pending.

STAFF-INITIATED SUPPLEMENTAL REQUESTS

STAFF-INITIATED – CHANGE DOC SUPPLEMENTAL CASELOAD DEADLINE [LEGISLATION REQUIRED]

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff thinks that this decision item meets supplemental criteria due to new information that was not available during the original figure setting process for FY 2023-24. Specifically, this is the second year in a row that the Department has changed the prison caseload methodology during the supplemental process.

DEPARTMENT REQUEST: The Department did not request this decision item and is not aware of staff's recommendation.

STAFF RECOMMENDATION: Staff recommends that the Committee amend statute to remove the Department of Corrections from the list of agencies that are statutorily authorized to submit a supplemental caseload adjustment request on January 15.

STAFF ANALYSIS: Statute requires state agencies to submit requests for supplemental appropriations by January 2.¹ However, statute allows the Departments of Corrections, Education, and Human Services (Division of Youth Services) to submit supplemental requests by January 15.² That statute limits the DOC and DHS' January 15 supplemental submission to "changes in caseload."

The DOC almost always (if not always) bases its supplemental prison and medical caseload adjustments on the prison population forecast produced by the Division of Criminal Justice (DCJ) in the Department of Public Safety. The DCJ produces a prison population forecast twice per year in June and December. The DOC almost always includes a prison caseload adjustment in the November budget package based on the June forecast and a supplemental prison caseload adjustment in January based on the December forecast.

JBC staff received the DCJ's prison population forecast numbers on December 13, 2023. In JBC staff's view, the Department does not need more than a couple of weeks to update its November caseload requests. For two straight years, the Department has used the additional time allowed by statute to add complications to its caseload requests while giving the JBC and JBC staff very little time to react. In both years, the JBC staff only had about 66.4 hours to digest the request and provide the JBC with their analysis (the time between receipt of the request and the deadline for the analysis).

¹ Section 2-3-208 (2)(b)(I), C.R.S.

² Section 2-3-208 (3)(b)(I), C.R.S.

PRIORITIZED SUPPLEMENTAL REQUESTS

S1/BA1 PRISON CASELOAD

	REQUEST	RECOMMENDATION
TOTAL	(\$177,007)	(\$6,543,145)
FTE	0.0	(0.8)
General Fund	(172,144)	(6,543,145)
Cash Funds	(4,863)	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests a reduction of \$177,007 total funds, including \$172,144 General Fund, in FY 2023-24 for a reduction of 326 male prison beds. Per the related budget amendment, the decrease would be \$708,028 total funds, including \$688,575 General Fund, in FY 2024-25.

TABLE 1~S1/BA1 PRISON CASELOAD			
	FY 2023-24 S1 REQUEST	FY 2024-25 BA1 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	(\$172,144)	(\$688,575)	(\$516,431)
Cash Funds	(4,863)	(19,453)	(14,590)
Total	(\$177,007)	(\$708,028)	(\$531,021)

STAFF RECOMMENDATION: JBC staff recommends a reduction of \$6,543,145 General Fund and 0.8 FTE in FY 2023-24. This represents a reduction of 518 male prison beds. The recommendation uses the caseload methodology proposed in the November 1, 2023 prison caseload request (R1 Prison Caseload), which assumes a 2.5 percent bed vacancy rate. Staff will address the FY 2024-25 budget amendment during the figure setting process.

STAFF ANALYSIS:

This January 16, 2024 request alters the prison caseload methodology described in the Department's November 1, 2023 prison caseload request. There are two key changes.

- 1 **It effectively represents a 4.0 percent bed vacancy rate rather than the 2.5 percent bed vacancy rate used in previous years and in the November 2023 request.** It is not explicitly calculated as such. Rather, the request makes a couple of adjustments to the methodology while retaining the 2.5 percent vacancy rate. The result is a surplus of 173 male prison beds in FY 2023-24 **in addition to** the 300-plus beds left open after applying the 2.5 percent vacancy rate. The Department wants the 173 bed surplus (482 open beds in total) as part of a “conservative approach” amid forecast uncertainty.

- 2 **The request allows the Department to backfill funding for FTE positions that were not funded during the FY 2023-24 figure setting process. However, the request does not quantify the amount of funding that would be used for this purpose.**

The Department is proposing a reduction of 326 state male prison beds: 200 at Buena Vista and 126 at Skyline (effectively a temporary closure of Skyline). There is not a corresponding reduction of FTE and related personal services funding.

Rather, the Department would use funded positions at the affected facilities to “fund positions that are currently unfunded.” The requested reductions are limited to certain operating expenses, hence the very small decrease in funding relative to a fairly large decrease in beds.

The rest of this analysis includes: (1) a discussion of the prison caseload calculation, (2) a comparison of the current budget to the request, and (3) fiscal year-to-date capacity changes.

SECTION 1: CALCULATING THE MALE PRISON CASELOAD ADJUSTMENT

This section aims to show how many male prison beds the state needs in FY 2023-24 based on: (1) the methodology shown in the November 1 request, (2) the methodology proposed in this request, and (3) a methodology that applies a 4.0 percent vacancy rate.

November 1, 2023 Methodology (FY 2024-25 R1 Prison Caseload)

The following table shows a total male prison bed surplus of 518 beds in FY 2023-24 and a surplus of 65 beds in FY 2024-25.³ This calculation is based on the December 2023 Division of Criminal Justice (DCJ) prison population forecast. That forecast suggests that the average male prison population in FY 2023-24 will be 14,636. The Department and JBC staff agree on this number. Staff notes that the surplus is larger when using the Legislative Council Staff (LCS) forecast. The LCS forecast was the basis for the current FY 2023-24 appropriation.

LINE		FY24	FY25
A	Current funded state bed capacity	12,794	12,794
B	Beds offline due to maintenance projects*	(87)	(115)
C	Available state beds online [A + B]	12,707	12,679
D	Less: 2.5% vacancy rate [C * 0.025]	(318)	(317)
E	Subtotal available state male beds [C + D]	12,389	12,362
F	DCJ forecast average male prison population	14,636	15,062
G	Male bed need [F - E]	2,247	2,700
H	Funded private prison beds	2,765	2,765
I	Male bed surplus/(shortfall) [H - G]	518	65
J	Male bed surplus/(shortfall) based on LCS forecast	539	254

* Documents provided by the DOC during the FY 2023-24 figure setting process show 87 beds offline for maintenance in FY 2023-24. The current request shows 115 beds offline for FY 2023-24. JBC staff assumes that this is an error and used 87 as the correct number in their recommendation.

³ Here is another way to describe the 65 bed surplus in FY 2024-25: If the General Assembly made no prison caseload adjustments in FY 2023-24, the DCJ forecast suggests that there should be a 65 bed reduction in FY 2024-25. Per the LCS forecast, no adjustments in FY 2023-24 would lead to a reduction of 254 beds in FY 2024-25.

Ebbs and flows in the male prison population were historically managed with the *Payments to in-state private prisons* line item. A 518 bed reduction in private prison beds equals a reduction of about \$12.4 million General Fund.⁴ The 65 bed reduction in FY 2024-25 would translate to a reduction of about \$1.5 million General Fund at the current per-diem rate of \$65.22. Another way to think about the FY 2024-25 reduction of 65 beds:

January 16, 2024 Methodology (FY 2024-25 S1/BA1 Prison Caseload)

The following table shows a total male prison bed surplus of 173 beds in FY 2023-24 and surplus of 98 beds in FY 2024-25. The Department is proposing to keep surplus beds online and open. Key changes to the methodology are highlighted in rows B, D, and K in the table.

TABLE 3~DOC MALE PRISON POPULATION FORECAST VS. CAPACITY (USING METHODOLOGY SHOWN IN JAN. 16 S1/BA1 PRISON CASELOAD)			
Line		FY24	FY25
A	Current funded state bed capacity	12,794	12,794
B	Less requested supplemental reduction (S1/BA1)	(326)	(326)
C	Include 100 beds for Sterling Transgender Unit	-	100
D	State funded bed capacity after requested reduction [A + B + C]	12,468	12,568
E	Beds offline due to maintenance projects	(115)	(115)
F	Available state beds online [D + E]	12,353	12,453
G	Less: 2.5% vacancy rate [F * 0.025]	(309)	(311)
H	Subtotal available state male beds [F + G]	12,044	12,142
I	DCJ forecast average male prison population	14,636	15,062
J	Male Bed Need [I – H]	2,592	2,920
K	Currently funded private prison beds	2,765	3,018
L	Male bed surplus/(shortfall) [K – J]	173	98
M	Male bed surplus/(shortfall) based on LCS forecast	194	287

Staff notes that the 98 bed surplus for FY 2024-25 **includes** the 253 additional private prison beds requested in November (R1 Prison Caseload) at a cost of \$6.0 million General Fund.⁵ When those requested beds are excluded, this methodology would show a 155 bed *shortfall*, thereby requiring an increase of about \$3.7 million General Fund in FY 2024-25.

4.0 Percent Vacancy Rate Methodology (Implicit methodology in supplemental request)

The following table shows a total male prison bed surplus of 328 beds in FY 2023-24 and shortfall of 125 in FY 2024-25. The surplus of 328 beds in this methodology is very similar to the requested supplemental reduction of 326 beds.

TABLE 4~DOC MALE PRISON POPULATION FORECAST VS. CAPACITY (USING 4.0% BED VACANCY RATE METHODOLOGY)			
Line		FY24	FY25
A	Current funded state bed capacity	12,794	12,794
B	Beds offline due to maintenance projects	(87)	(115)
C	Available state beds online [A + B]	12,707	12,679
D	Less: 4.0% vacancy rate [C * 0.04]	(508)	(507)
E	Subtotal available state male beds [C + D]	12,199	12,172
F	DCJ forecast average male prison population	14,636	15,062

⁴ FY 2023-24 per-diem rate of \$65.22 * 366 days (leap year) * 518 beds = \$12,364,929 General Fund.

⁵ FY 2023-24 per-diem rate of \$65.22 * 365 days * 253 beds = \$6,022,741 General Fund.

TABLE 4~DOC MALE PRISON POPULATION FORECAST VS. CAPACITY (USING 4.0% BED VACANCY RATE METHODOLOGY)			
Line		FY24	FY25
G	Male bed need [F - E]	2,437	2,890
H	Funded private prison beds	2,765	2,765
I	Male bed surplus/(shortfall) [H - G]	328	(125)
J	Male bed surplus/(shortfall) based on LCS forecast	349	64

JBC Staff Recommendation: Male Prison Caseload Adjustment

JBC staff recommends a reduction of 518 male prison beds in FY 2023-24. This recommendation is consistent with the methodology described in the DOC's November 1, 2023 prison caseload request. It is also consistent with JBC staff's historical tendency to use the more conservative forecast (e.g. the one that predicts a larger prison population). In this case, the more conservative forecast is the DCJ forecast, which shows a surplus of 518 beds in FY 2023-24 and 65 beds in FY 2024-25. The LCS forecast shows a surplus of 539 beds in FY 2023-24 and a surplus of 254 beds in FY 2024-25.

SECTION 2: COMPARING THE CURRENT BUDGET TO THE REQUEST

The section explains: (1) the basis for the current year budget, which recaps prison caseload changes that are reflected in the budget, and (2) how the current appropriation compares to the request.

Basis for the Current FY 2023-24 Appropriation

During the 2023 legislative session, the General Assembly approved funding for an increase of 740 male prison beds relative to FY 2022-23. Of the 740, 542 were state prison beds and 198 were private prison beds. This change was recommended by JBC staff and that recommendation was approved by the Committee. The total cost was about \$7.3 million General Fund.

The General Assembly approved less funding than the DOC requested. The DOC's request, submitted January 17, 2023, asked for an increase of 1,142 male prison beds at a total cost of \$23.8 million General Fund. The following table compares the Department's original FY 2023-24 request to JBC staff's recommendation. The JBC approved JBC staff's recommendation.

TABLE 5~BASIS FOR CURRENT FY 2023-24 APPROPRIATION JBC STAFF RECOMMENDATION COMPARED TO ORIGINAL DOC REQUEST								
STATE PRISON	SOURCE	# OF BEDS	TOTAL (\$)	FTE	PERSONAL SERVICES	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Trinidad	DOC Jan. 2023 request	200	\$2,701,502	23.6	\$1,985,291	\$560,851	\$91,087	\$64,273
	JBC staff Feb. 2023 rec.	200	1,081,666	5.5	399,242	560,851	57,300	64,273
Delta	DOC Jan. 2023 request	86	1,053,782	8.8	752,644	239,430	34,071	27,637
	JBC staff Feb. 2023 rec.	86	336,472	0.8	59,855	239,430	9,550	27,637
Limon	DOC Jan. 2023 request	156	2,392,904	19.2	1,680,136	589,574	73,704	49,490
	JBC staff Feb. 2023 rec.	156	855,584	2.7	187,870	589,574	28,650	49,490
Buena Vista	DOC Jan. 2023 request	100	732,490	5.1	378,665	302,219	19,469	32,137
	JBC staff Feb. 2023 rec.	100	334,356	0.0	0	302,219	0	32,137
Private prisons	DOC Jan. 2023 request	0	0	n/a	n/a	n/a	n/a	n/a
	JBC staff Feb. 2023 rec.	198	4,726,363	n/a	n/a	n/a	n/a	n/a
Total	DOC Jan. 2023 request	542	\$6,880,678	56.7	\$4,796,736	\$1,692,074	\$218,331	173,537
	JBC staff Feb. 2023 rec.	740	7,334,441	9.0	646,967	1,692,074	95,500.0	173,537

ADDITIONAL BEDS ORIGINALLY REQUESTED BY DOC FOR FY 2023-24 BUT NOT APPROVED								
STATE PRISON		# OF BEDS	TOTAL \$	FTE	PERSONAL SERVICES \$	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Sterling	DOC Jan. 2023 request	300	\$2,772,927	19.4	\$1,760,500	\$840,922	\$75,095	96,410
Centennial								
South	DOC Jan. 2023 request	300	14,167,837	98.3	8,129,824	2,162,654	378,949	3,496,410
Total DOC Jan. 2023 request		1,142	\$23,821,442	174.4	\$14,687,060	\$4,695,650	\$672,375	3,766,357
Notes: FTE start-up costs are pro-rated by facility as percentage of total FTE in the DOC's request multiplied by the total FTE start-up request of \$695,320. Centennial South facility start-up costs includes \$3.4 million to bring facility back online.								

JBC staff's recommendation omitted funding for some of the requested FTE. The Department was—and, to a lesser extent, still is—dealing with a severe staffing shortage. JBC staff therefore concluded that additional funding for FTE would not be used to hire an actual human being. Rather, those funds would more likely be used for overtime, incentives and bonuses, leave payouts, and other personnel expenses.

Most of the requested funds for FTE—about \$4.1 million General Fund—were repurposed for temporary housing stipends aimed at recruiting and retaining DOC staff at facilities with the most severe staffing shortages. The Department had asked for a lesser amount of \$2,266,000 in FY 2023-24 for \$1,000 monthly housing stipends for 1,133 employees in July and August 2023.

JBC staff ultimately recommended, and the JBC approved, a total of about \$9.0 million General Fund to provide housing stipends from July through February 2024. The amount of \$9.0 million includes the \$4.1 million not appropriated for FTE and a \$4.9 million transfer from the State Employee Reserve Fund to the General Fund. **The Department is not asking for an extension of those temporary housing stipends in the current request.**

Comparing the Current Appropriation to the Current Supplemental Request

The current request proposes to reduce male prison capacity by 326 beds. This consists of 200 beds at Buena Vista (a Level III mixed custody facility) and 126 beds at Skyline (a Level I minimum security facility). The corresponding funding reduction is \$177,007, of which \$172,144 is General Fund.

The following table shows that the Department's proposed reductions are not equal to the increases that were included in the FY 2023-24 (see highlighted rows in table). For example, the proposed 200 bed reduction for Buena Vista is \$225,759 less than what is included in the current budget for 100 beds. JBC staff estimates that the proposed reduction for Skyline is \$876,406 less than what is included in the current budget.⁶ The table also shows that the Department is proposing no changes in funding for the other beds that were added in the FY 2023-24 budget.

TABLE 6~COMPARING THE CURRENT APPROPRIATION TO CURRENT DOC REQUEST								
STATE PRISON	SOURCE	# OF BEDS	TOTAL (\$)	FTE	PERSONAL SERVICES	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Trinidad	DOC Jan. 24 request (change from current FY24 appropriation)	0	\$0	0.0	\$0	\$0	\$0	\$0
	Current Appropriation (change from FY 22-23)	200	1,081,666	5.5	399,242	560,851	\$57,300	64,273

⁶ Skyline was closed halfway through FY 2020-21 as a budget balancing measure. At the time, Skyline's bed capacity was 256. The total reduction for the closure was \$1.9 million General Fund and 19.9 FTE. Because Skyline's current capacity is 126, staff divided the FY 2020-21 reduction by two to get the estimate. Staff is confident that this is an underestimate because it does not account for compensation increases since FY 2020-21.

TABLE 6~COMPARING THE CURRENT APPROPRIATION TO CURRENT DOC REQUEST

STATE PRISON	SOURCE	# OF BEDS	TOTAL (\$)	FTE	PERSONAL SERVICES	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Delta	DOC Jan. 24 request (change from current FY24 appropriation)	0	0	0.0	0	0	0	0
	Current Appropriation (change from FY 22-23)	86	336,472	0.8	59,855	239,430	\$9,550	27,637
Limon	DOC Jan. 24 request (change from current FY24 appropriation)	0	0	0.0	0	0	0	0
	Current Appropriation (change from FY 22-23)	156	855,584	2.7	187,870	589,574	\$28,650	49,490
Buena Vista	DOC Jan. 24 request (change from current FY24 appropriation)	(200)	(108,597)	0.0	0	(108,597)	0	0
	Current Appropriation (change from FY 22-23)	100	334,356	0.0	0	302,219	0	32,137
Skyline	DOC Jan. 24 request (change from current FY24 appropriation)	(126)	(68,410)	0.0	0	(68,410)	0	0
	Current Appropriation (change from FY 22-23)	126	944,816	10.0	n/a	n/a	n/a	n/a
Private prisons	DOC Jan. 24 request (change from current FY24 appropriation)	0	0	n/a	n/a	n/a	n/a	n/a
	Current Appropriation (change from FY 22-23)	198	4,726,363	n/a	n/a	n/a	n/a	n/a
Total	DOC Jan. 24 request (change from current FY24 appropriation)	(326)	(\$177,007)	0.0	\$0	(\$177,007)	\$0	\$0
	Current Appropriation (change from FY 22-23)	866	8,279,257	19.0	646,967	1,692,074	95,500	173,537
Remaining after DOC Jan. 24 request		540	\$8,102,250	19.0	\$646,967	\$1,515,067	\$95,500	\$173,537

Per the request, there are two main reasons for the disparity between the requested reduction and the funding increases that were built into the FY 2023-24 budget: (1) retention of funding to backfill FTE that are unfunded in the current FY 2023-24 budget, and (2) retention of funding for utilities and maintenance.

The request states the following about FTE and the Buena Vista (BVCC) reduction:

“The Department will also depopulate two 100-bed units (for a total of 200 beds) at BVCC. Under this plan, 100 inmates will move to currently funded and offline beds at Trinidad Correctional Facility (TCF) due to available staffing. The remaining 100 inmates will be reviewed for placement in other Level I and Level II facilities with current vacancies. Along with the inmate moves the Department will abolish the funded positions from these living units and use the funding for positions that were approved but are currently unfunded at TCF. Staff filling these positions will be reassigned.”

It also states the following about the FTE and the Skyline (SCC) reduction:

“With the depopulation of SCC, 96 of the inmates housed there will be transferred to Centennial Correctional Facility (CCF), and the remaining 30 will be relocated to other mentor positions in Level I and Level II facilities. Staff assigned to SCC will be relocated within the Canon Complex to fill vacant positions, and funding will be utilized to fund positions that are currently unfunded. This would result in the temporary closure of the Skyline facility.”

The request does not explain why the Department selected these two facilities. It also does not quantify the amount of funding that it is proposing to use for unfunded FTE.

For maintenance and utilities, the request states, “Unless a facility is to be closed permanently, there will continue to be utility costs and costs associated with maintaining and preserving beds and living units. Continuing to maintain these living units and facilities prevents infrastructure damage and reduces costs when beds need to come back online in the future.” JBC staff observes that the FY 2023-24 appropriation included \$85,024 General Fund for utilities and maintenance to add 100 beds at Buena Vista, which is consistent with the Department’s January 2023 request for FY 2023-24 funding. The Department is proposing to retain those funds despite the 200 bed reduction.

SECTION 3: FISCAL YEAR-TO-DATE CAPACITY CHANGES

The current appropriation includes funding for an increase of 740 male prison beds relative to the FY 2022-23 appropriation: 542 state prison beds and 198 private prison beds.⁷ Of the 542 state prison beds included in the current budget, 386 are lower security beds (minimum or minimum-restricted custody).⁸ The 100 additional beds at Buena Vista and the 200 additional beds at Trinidad are both minimum-restricted custody, with the remaining 86 minimum custody beds located at Delta.

The caseload methodology described in the DOC’s November 1, 2023 request, updated to reflect the December 2023 DCJ prison population forecast, shows an FY 2023-24 surplus of 518 male prison beds. **According to that methodology, the Department only needs to retain 222 of the 740 male prison beds included in the current budget.** This calculation leaves 318 beds vacant to accommodate changes in the population.

The DOC’s monthly prison population reports show that the Department is utilizing 435 additional male prison beds in FY 2023-24 relative to FY 2022-23. This consists of 366 state prison beds and 69 private prison beds.⁹ These additional state prison beds consist of 110 at Buena Vista, 156 at Limon, and 100 at Trinidad. The additions at Buena Vista and Limon occurred in July 2023 and the addition at Trinidad occurred in December 2023. However, the addition at Trinidad is not explicitly noted in the DOC’s reports in the way that Buena Vista and Limon are. Staff took a screenshot of the monthly population reports on January 18, 2024 to demonstrate the issue.

July 31, 2023 Prison Population Report (Page 1)

Capacity Changes: Buena Vista Corr Complex Operational Capacity increased from 1,124 to 1,234
Limon Corr Fac Operational Capacity increased from 782 to 938

December 31, 2023 Prison Population Report (Page 1)

Capacity Changes: NONE

JBC staff note: Despite saying that there were no capacity changes, the report shows a 100 bed increase at Trinidad.

⁷ This amount excludes the 126 beds at Skyline, which were include in Table 6.

⁸ The 156 high security (close custody) beds at Limon make up the difference.

⁹ The current FY 2023-24 budget can support 2,765 private prison beds. The average monthly utilization is 2,834.

As noted earlier, the request does not explain why the Department proposed a reduction of 200 beds at Buena Vista and 126 beds at Skyline for a temporary closure of that facility. It is not clear why the Department brought 110 beds online at Buena Vista in July 2023 and then proposed a reduction of 200 beds at that facility in January 2024. It is possible that this proposed reduction relates to the DOC's decision to move protective custody and very-high security beds between multiple facilities, but it is not clear what actually happened.

In November, JBC staff noticed that the monthly population reports in the preceding months showed capacity changes at the Sterling and Centennial facilities. For example, between July and October, capacity at Sterling dropped from 2,088 to 1,896. Because these monthly reports do not explain why a change occurred, JBC staff asked the Department. The response said,

“The change at [Sterling] was part of a population realignment to move Protective Custody from [Arkansas Valley] to [Buena Vista]. In order to accomplish this, the Department had to move the [Close Custody Management Control Unit/Comprehensive] population of 192 from [Sterling] to [Centennial], where it currently resides. The cells have been inactivated until they can be repopulated after maintenance. The movement of Protective Custody was completed on November 4th and 5th.”

This response suggests that protective custody beds were moved from Arkansas Valley to Buena Vista. However, the December 2023 prison population report shows that all 185 inmates in protective custody are located at Sterling. Staff is not sure what to make of this.

Staff is also not sure what to make of the proposed closure of Skyline and its 126 minimum security beds. This facility was closed in January 2021 as a budget balancing measure (at the time it had a capacity of 252). The Department brought Skyline (renamed “The Beacon”) back online in January 2023 as a 126-bed facility. This action occurred outside of the budget process by using existing appropriations.¹⁰ Consequently, JBC staff does not have any recent information about the true cost of temporarily closing Skyline/The Beacon.

The DOC website describes Skyline/The Beacon as “...a correctional community that uses a human-centered, collaborative approach to support healing, growth, and a renewed purpose for incarcerated residents and staff.” The December 2023 prison population report shows 123 inmates at Skyline/The Beacon as of December 31.

The FY 2023-24 budget included funding for an increase of 86 minimum security beds at Delta, but these beds remain closed. In JBC staff's view, this makes the proposal to close Skyline/The Beacon all the more perplexing. If the budget includes money for beds that are not needed or occupied, why close beds that are open and occupied?

JBC STAFF RECOMMENDATION AND CONCLUSION

JBC staff recommends a total reduction of 518 beds and \$6,543,145 General Fund. The recommendation uses the standard prison caseload methodology, which applies a 2.5 percent bed vacancy rate, not the 4.0 percent vacancy rate implied in the request.

¹⁰ The Department likely used appropriations that were in the budget for the minimum-security Colorado Correctional Center. This facility closed in the latter half of FY 2021-22 and that closure was never accounted for in the budget.

TABLE 7~JBC STAFF CALCULATIONS FOR SUPPLEMENTAL PRISON CASELOAD (USING STANDARD METHODOLOGY SHOWN IN NOV. 1, 2023 R1 PRISON CASELOAD)			
LINE		FY24	FY25
A	Current funded state bed capacity	12,794	12,794
B	Beds offline due to maintenance projects	(87)	(115)
C	Available state beds online [A + B]	12,707	12,679
D	Less: 2.5% vacancy rate [C * 0.025]	(318)	(317)
E	Subtotal available state male beds [C + D]	12,389	12,362
F	DCJ forecast average male prison population	14,636	15,062
G	Male bed need [F - E]	2,247	2,700
H	Funded private prison beds	2,765	2,765
I	Male bed surplus/(shortfall) [H - G]	518	65
J	Male bed surplus/(shortfall) based on LCS forecast	539	254

The recommended funding assumes a reduction of 200 beds at Buena Vista, 86 beds at Delta, and 232 private prison beds to get to a total reduction of 518 beds. The funding reduction for 200 beds at Buena Vista doubles the amount that was included in the current budget to add 100 beds at that facility. The funding reduction for 86 beds at Delta is equal to the increase was included in the current budget to add that same number of beds. The private prison reduction was calculated as follows: 232 beds * 366 days (leap year) * daily per inmate rate of \$65.22. The following two tables show how JBC staff arrived at the recommendation.

TABLE 8~JBC STAFF RECOMMENDATION FY 2023-24 S1 PRISON CASELOAD, BY FACILITY								
STATE PRISON	SOURCE	# OF BEDS	TOTAL (\$)	FTE	PERSONAL SERVICES	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Delta	Current Appropriation (change from FY 22-23)	86	\$336,472	0.8	\$59,855	239,430	9,550	27,637
	JBC staff FY24 supp. rec. (change from current)	(86)	(336,472)	(0.8)	(59,855)	(239,430)	(9,550)	(27,637)
Buena Vista	Current Appropriation (change from FY 22-23)	100	334,356	0.0	0	302,219	\$0	32,137
	JBC staff FY24 supp. rec. (change from current)	(200)	(668,712)	0.0	0	(604,438)	0	(64,274)
Private prisons	Current Appropriation (change from FY 22-23)	198	4,726,363	n/a	n/a	n/a	n/a	n/a
	JBC staff FY24 supp. rec. (change from current)	(232)	(5,537,961)	n/a	n/a	n/a	n/a	n/a
Total	Current Appropriation (change from FY 22-23)	384	\$5,397,191	0.8	\$59,855	\$541,649	\$9,550	\$59,774
	JBC staff FY24 supp. rec. (change from current)	(518)	(\$6,543,145)	(0.8)	(\$59,855)	(\$843,868)	(\$9,550)	(\$91,911)
FUNDING RETAINED IN THE DOC'S FY 2023-24 BUDGET								
STATE PRISON	SOURCE	# OF BEDS	TOTAL (\$)	FTE	PERSONAL SERVICES	OPERATING EXPENSES	FTE START-UP	FACILITY START-UP
Trinidad	Current Appropriation (change from FY 22-23)	200	\$1,081,666	5.5	\$399,242	\$560,851	\$57,300	\$64,273
	JBC staff FY24 supp. rec. (change from current)	200	1,081,666	5.5	399,242	560,851	57,300	64,273
Limon	Current Appropriation (change from FY 22-23)	156	855,584	2.7	187,870	589,574	28,650	49,490
	JBC staff FY24 supp. rec. (change from current)	156	855,584	2.7	187,870	589,574	28,650	49,490

*Note: JBC staff's recommendation also retains funding for the 126 minimum security beds at Skyline/The Beacon, though staff cannot quantify that funding at this time due to a lack of information provided in the Department's request.

If approved, the reductions would occur in the *Payments to in-state private prisons* line item and the centrally-appropriated prison caseload line items newly-added to the budget in FY 2023-24. These line items are:

- *Additional Prison Capacity-Personal Services*
- *Additional Prison Capacity-Operating Expenses*
- *Additional Prison Capacity-Facility Start-up*
- *Additional Prison Capacity-Personnel Start-up*

Staff further recommends that the JBC ask OSPB to provide a comeback that quantifies the DOC's proposal to retain funding for unfunded FTE. Once information about FTE funding is obtained through the OSPB comeback, JBC staff will, if the JBC so desires, vet the information and provide the Committee with a recommendation during JBC staff comebacks.

JBC staff does not think that it is a bad idea to revisit the FTE funding issue given improvements in staffing levels, particularly for correctional officers. Had that information been included in the request and deemed accurate, JBC staff would have likely recommended approval of that funding.

S2/BA2 MEDICAL CASELOAD

	REQUEST	RECOMMENDATION
TOTAL	\$4,465,346	\$4,836,927
FTE	0.0	0.0
General Fund	4,465,346	4,836,927
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of data that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$4,465,346 General Fund in FY 2023-24. The request is based four things: (1) updated inmate population projections, (2) an \$13.81 increase in the pharmaceutical per offender per month (POPM) rate and a \$21.45 increase in the external medical services POPM rate, (3) increased emergency transport needs for offenders, and (4) increases in offender security services costs at external medical locations.

Per the related budget amendment, this would increase to \$7,786,507 General Fund in FY 2024-25.

S2/BA2 MEDICAL CASELOAD			
	FY 2023-24 S2 REQUEST	FY 2024-25 BA2 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	\$4,465,346	\$7,786,507	\$3,321,161

STAFF RECOMMENDATION: Staff recommends an increase of \$4,836,927 General Fund in FY 2023-24.

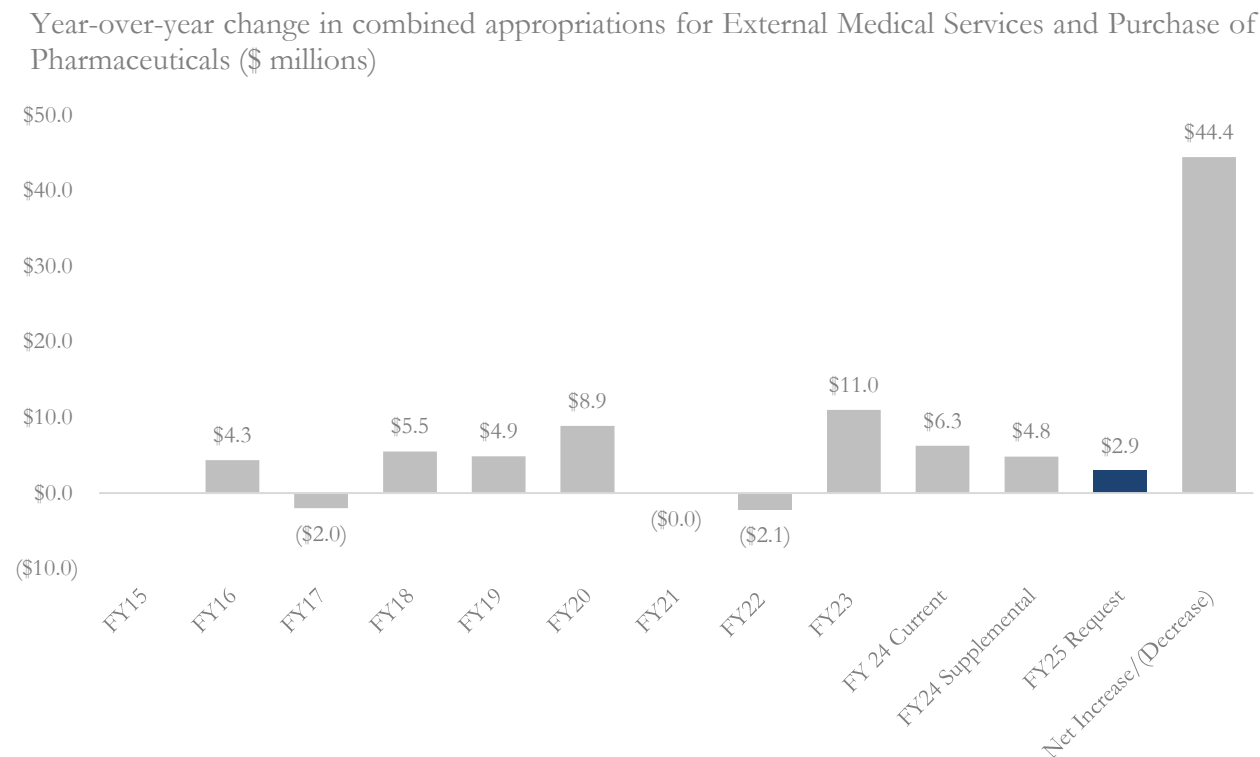
STAFF ANALYSIS:

This medical caseload adjustment affects two line items: (1) External medical services, and (2) Purchase of pharmaceuticals. The following table summarizes the populations that qualify for care under each appropriation. These lines are typically adjusted annually to account for changes in the prison population and changes in the costs for medical drugs and services.

Population	Used to compute appropriation for	Offenders in DOC facilities (including YOS*)	Offenders in private prisons	Offenders in community corrections, jails, on parole, ISP-I*
Pharmaceutical population	<i>Purchase of Pharmaceuticals</i>	Yes	No	No
External medical services population	<i>External medical services</i>	Yes	Yes	No

*YOS is the Youthful Offender System. ISP-I is Intensive Supervision-Inmate status under which inmates are placed in the community and intensively supervised.

The following chart shows that these two line items would account for a \$44.4 million increase in General Fund since FY 2015-16 if the requests for FY 2023-24 and FY 2024-25 are approved. About half of that increase will have occurred in the last fiscal year (FY 2022-23) and the current fiscal year (FY 2023-24).



LINE BY LINE RECOMMENDATION AND COST DRIVERS NOTED IN REQUEST

EXTERNAL MEDICAL SERVICES

Medical care to inmates can be divided into two categories: internal care provided within DOC facilities, and external care provided outside of DOC facilities by contracted health care providers that offer specialty services, outpatient tests and procedures, more extensive emergency services, and inpatient hospital care. Inmates who receive external services must be accompanied by corrections officers, or by contractors who provide security.

The Department contracts with Correctional Health Partners (CHP) to manage external health care services for inmates. CHP reviews requests for external services, making sure that all suitable internal care options have been utilized before an inmate is sent out for external care. CHP also establishes a network of external specialty and institutional providers who treat DOC inmates. CHP verifies the resulting bills but the DOC makes the payments.

To determine its caseload adjustments for external medical services, the DOC and CHP extrapolate trends in monthly per offender costs (POPM). The Department then multiplies projected per offender costs by the projected population.

Using the DCJ December 2023 forecast, JBC staff and the Department assumes a prison population of 16,074. This is 249 inmates less than what is currently funded for FY 2023-24. The projected POPM

rate for *External Medical Services* increases to \$279.59 from the \$258.14 used to set the appropriation during the FY 2023-24 figure setting process, an increase of \$21.45 (8.3 percent).

CHP also charges an administrative POPM rate. This rate is \$12.71 up to 14,000 inmates and falls to \$7.04 for every inmate over 14,000. Assuming a population of 16,074 produces an administrative fee of \$2,310,492.

Lastly, there is a \$621,772 fee for contracted security services. The Department estimates this fee based on prior actual expenses. The table below summarizes these changes, which result in an increase to the current appropriation of \$3,083,641 General Fund.

RECOMMENDED FY 2023-24 SUPPLEMENTAL CHANGES TO EXTERNAL MEDICAL SERVICES	
FY24 Current External Medical Services appropriation	\$53,778,179
Base services	
FY24 Original projected prison population (Dec 2022 LCS Forecast)	16,323
FY24 Supplemental projected prison population (Dec 2023 DCJ Forecast)	16,074
FY 23-24 Original Projected POPM	\$258.14
FY 23-24 Supplemental Projected POPM	\$279.59
Subtotal FY24 original projected base funding	\$50,563,431
Subtotal FY24 supplemental projected base funding	\$53,929,556
Administrative charges	
FY24 Original-\$12.40 per inmate per month up to 14,000 inmates	\$2,083,200
FY24 Supplemental-\$12.71 per inmate per month up to 14,000 inmates	\$2,135,280
FY24 Original-\$6.86 per inmate per month above 14,000 (2,323)	191,229
FY24 Supplemental-\$7.04 per inmate per month above 14,000 (2,074)	175,212
Subtotal FY24 original administrative charges	\$2,274,429
Subtotal FY24 original administrative charges	\$2,310,492
FY24 Original contracted security services	600,000
FY24 Supplemental contracted security services	621,772
Total FY24 original projected need	\$53,437,860*
Total FY24 supplemental projected need (base + administrative charges + security services)	\$56,861,820
Recommended change from current FY24 levels	\$3,083,641
*The original projected need is \$340,319 lower than the current appropriation. This is probably due to an error made by JBC staff when annualizing the FY 2022-23 supplemental budget action related to medical caseload.	

FACTORS DRIVING CHANGE IN THE EXTERNAL MEDICAL SERVICES POPM RATE

Per the request, the number of appointments are back up to pre-pandemic levels even though the prison population remains below March 2020 levels. This is driving an increase in the number of medical claims. The request also notes that the cost of medical services has increased. Lastly, the request includes \$440,772 in FY 2023-24—\$881,544 in FY 2024-25—for a targeted rate increase for the Denver Health Medical Center. Denver Health bills the DOC through CHP. Per the request, Denver Health has not raised the DOC's pricing in over 10 years.

PURCHASE OF PHARMACEUTICALS

The Purchase of Pharmaceuticals line item includes all pharmaceutical expenses for inmates in DOC facilities, including the Youthful Offender System. Inmates that are housed in private prisons, jails, and other non-DOC facilities are not included in the pharmaceutical population. The POPM is derived

from actual incurred expenses and projected expenses based on the cost of the Department’s pharmaceutical formulary and pharmaceuticals prescribed by providers for inmates.

These pharmaceutical expenses have also increased despite a prison population that remains below pre-pandemic levels. This means that the increase in funding for pharmaceuticals stems from a higher POPM rate, which stems from an increase in pharmaceutical costs. The newly-projected POPM rate for pharmaceuticals increased to \$133.47 from the \$119.66 used to set appropriations for FY 2023-24, an increase of \$13.81 (11.5 percent). The table below shows the calculations for the recommended increase.

RECOMMENDED CHANGES TO PURCHASE OF PHARMACEUTICALS	
FY24 Current Purchase of Pharmaceuticals appropriation	\$19,934,521
FY24 Original projected prison population	13,757
FY24 Supplemental projected prison population (accounts for JBC Staff recommendation for S1/BA1 Prison Caseload)	13,541
FY24 Original projected POPM	\$119.66
FY24 Supplemental projected POPM	\$133.47
Total original projected need	\$19,753,951
Total supplemental projected need	\$21,687,807
Recommended change from current levels	\$1,753,286

FACTORS DRIVING CHANGE IN THE PHARMACEUTICAL POPM RATE

The request states, “...the DOC is experiencing an increased number of [chronic Hepatitis C, or HCV] and Medically Assisted Treatment (MAT) patients being treated...” This resulted in a 35.22 percent increase in pharmaceutical spending for HCV and an increase of 50.63 percent in total medical utilization costs.

Consistent with past requests, the Department also noted that speciality medications like Remicade (Chron’s disease, ulcerative colitis), Revlimid (multiple myeloma), and Axitnib (renal cell carcinoma) are also driving costs.

S3/BA3 STAFF INCENTIVES AND BONUSES

	REQUEST	RECOMMENDATION
TOTAL	\$482,826	\$0
FTE	0.0	0.0
General Fund	482,826	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$482,826 General Fund in FY 2023-24. Per the related budget amendment, this would increase to \$2,994,077 General Fund in FY 2024-25 and would not continue in future years.

TABLE 1~S3/BA3 STAFF INCENTIVES AND BONUSES			
	FY 2023-24 S3 REQUEST	FY 2024-25 BA3 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	\$482,826	\$2,994,077	\$2,511,251

These funds would support a \$14,000 hiring bonus for certain job classes with high vacancy rates in clinical healthcare and the Sex Offender Treatment and Monitoring Program (SOTMP). The following table shows the affected job classifications and summarizes the cost of the effort in both FY 2023-24 and FY 2024-25. Funding for the FY 2023-24 supplemental action would be allocated in both FY 2023-24 and FY 2024-25. This is because the Department is proposing to provide \$7,000 of the \$14,000 bonus upon graduation from the Training Academy between April and June 2024. These new hires would receive the second \$7,000 after three months of employment between July and September of 2024.

TABLE 2~FY 2023-24 S3/BA3 PROPOSED BONUSES AND AFFECTED JOB CLASSIFICATIONS					
JOB CLASS	FY24 SOTMP HIRES	FY24 CLINICAL HIRES	TOTAL FY24 HIRES	HIRING INCENTIVE	TOTAL COST
Nurses I & II	0	20	20	\$14,000	\$280,000
Health Professionals I & III	4	15	19	\$14,000	\$266,000
Social Worker (level not specified)	5	5	10	\$14,000	\$140,000
Dentist I	0	3	3	\$14,000	\$42,000
Physicians (level not specified)	0	2	2	\$14,000	\$28,000
Psychologist (level not specified)	1	1	2	\$14,000	\$28,000
Subtotal FY24 new hires and incentive cost	10	46	56		\$784,000
Cost of first half FY 2023-24 hire payout					\$392,000
POTS (\$ for PERA, Medicare, etc.)	\$16,219	\$74,607			\$90,826
Total FY 2023-24 Cost (Incentives + POTS)					\$482,826

TABLE 3~FY 2024-25 S3/BA3 PROPOSED BONUSES AND AFFECTED JOB CLASSIFICATIONS

JOB CLASS	FY25 SOTMP HIRES	FY25 CLINICAL HIRES	TOTAL FY25 HIRES	HIRING INCENTIVE	TOTAL COST
Health Professionals I & II	10	55	65	\$14,000	\$910,000
Nurses I & III	0	45	45	\$14,000	\$630,000
Social Worker (level not specified)	10	10	20	\$14,000	\$280,000
Dentist I	0	7	7	\$14,000	\$98,000
Physicians (level not specified)	0	6	6	\$14,000	\$84,000
Psychologist (level not specified)	1	1	2	\$14,000	\$28,000
Subtotal FY 25 new hires and incentive cost	21	124	145		\$2,030,000
Cost of 2nd half of FY 2023-24 hire payout					\$392,000
Total FY 2024-25 Cost (FY24 2nd half + FY25 total)					\$2,422,000
POTS (\$ for PERA, Medicare, etc.)	\$85,977	486,100			\$572,077
Total FY 2024-25 Cost (Incentives + POTS)					\$2,994,077

STAFF RECOMMENDATION: Staff recommends denial of the supplemental request. The Department of Human Services (DHS) is currently providing \$14,000 incentive payments to nurses, which is expected to end in March 2024. This supplemental request would start incentive payments for DOC staff just as the DHS payments are ending. JBC staff are working on a different and more consistent approach to incentive payments for clinical staff at both the DOC and the DHS, starting in FY 2024-25. This approach aims to provide incentive payments as percentage of contract agency rates.

However, JBC staff need more time to coordinate across agencies and ensure that the Committee understands the full cost of this approach. Consequently, staff thinks that the Committee should focus on FY 2024-25 by denying supplemental funding for this request and approving the DOC's request S6 for an additional \$5.5 million General Fund for contract agency staff. Focusing on FY 2024-25 also allows JBC staff to incorporate the JBC's total compensation decisions in their incentive calculations.

STAFF ANALYSIS: This analysis focuses on this request and S6 Contract Agency Staffing. Both requests pertain to: (1) high job vacancy rates for clinical staff, and (2) uncompetitive compensation for state employees relative to contract agencies. Throughout the analysis, staff refers to S3/BA3 as "the request" and refers to S6 as "S6."

THE PROBLEM: CLINICAL JOB VACANCIES AND THE USE OF EXPENSIVE CONTRACT AGENCY STAFFING TO FILL THE VOID

The table below shows the number of vacancies for the job classifications that would receive the \$14,000 incentive. In short, the Department is aiming to use these incentive payments to fill most of the vacant positions in these job classes.¹¹

TABLE 4~VACANCIES FOR JOB CLASSES DISCUSSED IN DOC S3/BA3

JOB CLASSIFICATION	TOTAL POSITIONS	VACANT POSITIONS	VACANCY RATE	S3/BA3 FY24 REQUEST	S3/BA3 FY25 REQUEST	TOTAL	% OF VACANT POSITIONS FILLED IF SUCCESSFUL
Social Worker III	79	50	63.3%	10	20	30	60.0%
Psychologist I	9	5	55.6%	2	2	4	80.0%
Physician II	16	8	50.0%	2	6	8	100.0%

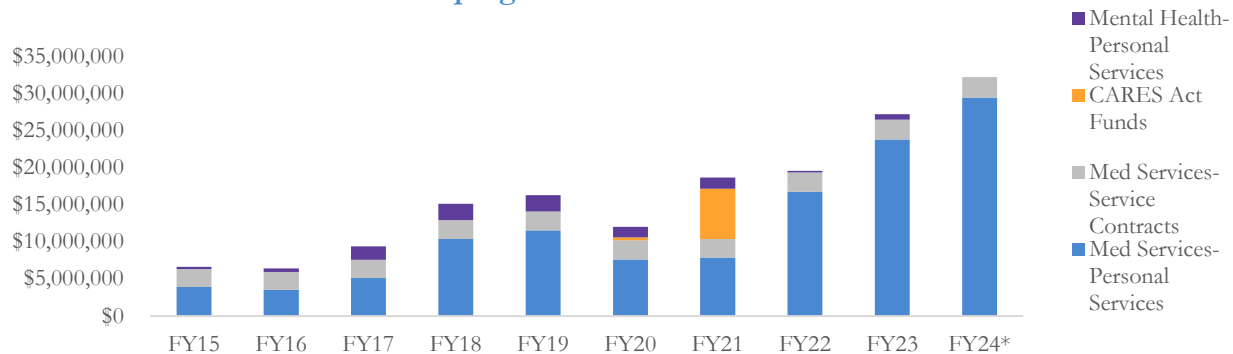
¹¹ Nurses, dentists, and physicians are mainly found in the Medical Services subprogram. Health professionals and social workers are mainly found in the Mental Health, Drug & Alcohol Treatment, and Sex Offender Treatment Subprograms, with psychologists mainly housed in the Mental Health Subprogram.

TABLE 4~VACANCIES FOR JOB CLASSES DISCUSSED IN DOC S3/BA3

JOB CLASSIFICATION	TOTAL POSITIONS	VACANT POSITIONS	VACANCY RATE	S3/BA3 FY24 REQUEST	S3/BA3 FY25 REQUEST	TOTAL	% OF VACANT POSITIONS FILLED IF SUCCESSFUL
Health Professional I	30	13	43.3%				
Health Professional II	127	60	47.2%				
<i>Subtotal Health Pro I & II</i>	<i>157</i>	<i>73</i>	<i>46.5%</i>	<i>19</i>	<i>65</i>	<i>84</i>	<i>115.1%</i>
Dentist I	17	7	41.2%	3	7	10	142.9%
Nurse I	177	57	32.2%				
Nurse III	32	9	28.1%				
<i>Subtotal Nurse I & III</i>	<i>209</i>	<i>66</i>	<i>31.6%</i>	<i>20</i>	<i>45</i>	<i>65</i>	<i>98.5%</i>
Total All Selected Positions	487	209	42.9%	56	145	201	96.2%

The Department has been utilizing contract agency staff to fill the service void caused by a lack of state employees. The following chart shows a significant increase in actual expenditures for contract agency staff in the Medical Services Subprogram and the Mental Health Subprogram over the last decade. In FY 2014-15, the Department spent about \$6.6 million for this purpose. In FY 2022-23, they spent about \$27.2 million. The Department is projecting that it will spend about \$32.2 million in the current fiscal year and is consequently requesting an increase of \$5.5 million General Fund in S6.

Expenditures for contract agency healthcare staffing mainly occur in the Personal Services line item in the **Medical Services Subprogram**.



Source: DOC Schedule 14B, Object Code 1940 for spending from personal services (except for CARES funding, Object Code 2710 for Service Contracts).

Compensation for contract agency staffing is significantly higher than compensation for state employees. The following table shows the disparity between contract rates and state employee rates in terms of annual income. It also shows the incentive payments that would be necessary to bring state employee compensation up to 85.0 percent of contract staff compensation.

TABLE 5~DOC STATE EMPLOYEE COMPENSATION VS. CONTRACT AGENCY COMPENSATION

	STATE EMPLOYEE ANNUAL BASE SALARY ¹	STATE EMPLOYEE ANNUAL BASE SALARY + BENEFITS ²	PLUS 3.17% NON-BASE INCREASE ³	CONTRACT AGENCY AVERAGE HOURLY RATE ⁴	CONTRACT AGENCY ANNUAL COST (AVG. HOURLY * 2,080)	85% OF CONTRACT AGENCY COMPENSATION	TOTAL ANNUAL BONUS NEEDED TO GET TO STATE EMPLOYEES TO 85%
Physician II	\$171,648	\$203,008	n/a	\$215.00	\$447,200	\$380,120	\$177,112
Dentist I	\$134,496	\$161,557	n/a	\$181.00	\$376,480	\$320,008	\$158,451
Psychologist I	\$91,644	\$112,698	n/a	\$99.40	\$206,752	\$175,739	\$63,041
Nurse I	\$86,700	\$108,231	\$111,662	\$83.00	\$172,640	\$146,744	\$35,082
Social Worker III	\$78,636	\$99,234	\$102,380	\$69.40	\$144,352	\$122,699	\$20,319
Health Professional II	\$55,884	\$73,850	\$76,191	\$64.15	\$133,432	\$113,417	\$37,226

TABLE 5~DOC STATE EMPLOYEE COMPENSATION VS. CONTRACT AGENCY COMPENSATION

	STATE EMPLOYEE ANNUAL BASE SALARY ¹	STATE EMPLOYEE ANNUAL BASE SALARY + BENEFITS ²	PLUS 3.17% NON-BASE INCREASE ³	CONTRACT AGENCY AVERAGE HOURLY RATE ⁴	CONTRACT AGENCY ANNUAL COST (AVG. HOURLY * 2,080)	85% OF CONTRACT AGENCY COMPENSATION	TOTAL ANNUAL BONUS NEEDED TO GET TO STATE EMPLOYEES TO 85%
1 The base salary reflects the minimum salary in the state salary schedule (Source: DPA FY 2023-24 Pay Plan and LCS Fiscal Note template)							
2 Base salary and benefits includes PERA and employee insurance. It excludes Medicare, Short-term Disability, the FAMILI premium, and Supp. PERA. (Source: LCS Fiscal Note template)							
3 The 3.17% non-base increase only applies to certain critical job classifications. This increase was approved by the General Assembly for FY 2023-24. (Source: Documents that accompanied the FY 2023-24 total compensation request)							
4 Contract agency average hourly rates were supplied by the DOC in both Request S6 and responses to JBC staff questions.							

THE DOC'S PROPOSED SOLUTION: \$14,000 INCENTIVE PAYMENTS

The request says that the proposed solution is based on similar incentives implemented by the Department of Human Services (DHS). It explains:

“Since increasing the hiring bonus to \$14,000 on March 21, 2023, for the Mental Health Institutes (MHI) (all other locations for CDHS nurses remained at \$7,000), there has been an 80% increase in Nurse new hires at the MHIs and a 67% increase overall for Nurse new hires agency-wide. Prior to the implementation of the increased incentive, CDHS averaged 10 to 15 new nurse hires a month and currently averages 60.”

This information is not accurate. The DHS’ budget request to increase psychiatric beds says that between March 21, 2023 and September 2023 (when the \$14,000 incentive was offered), the MHI’s increased the number of nurses by 42.¹² If incentives were provided through the end of September, this represents an average increase of 7 nurses per month, not 60 per month. Despite these gains, the DHS is asking for an additional \$36.1 million to maintain utilization of contract agency staff. When asked about the discrepancy, the DOC said that the information in its request (S3/BA3) was “incorrect due to a misinterpretation.”

The DOC’s proposal is structured differently than DHS’. The DHS reportedly pays out its \$14,000 incentive in three installments: (1) within the first two weeks of being hired, (2) the 180-day anniversary, or about 6 months, and (3) the 270-day anniversary, or about 9 months. The DOC is proposing to provide the payment in two installments: (1) upon graduation from the Training Academy, and (2) after three months of employment between July and September of 2024.

JBC staff asked the Department whether the 3-month timeframe may encourage contract agency staff to temporarily join the DOC and then quit a few months later. The Department cited Section 24-18-201 (1), C.R.S., which says, “A former employee may not, within six months following the termination of his employment, contract or be employed by an employer who contracts with a state agency or any local government involving matters with which he was directly involved during his employment.”

The Department said that it is possible that some former DOC employees will return as contract staff after that six-month waiting period. The DOC also noted that luring somebody away from a contract agency and into state employment may incur costs. The Department said, “Some of the contract staffing agencies include non-compete clauses in their contracts which require DOC to pay permanent placement fees if the Department hires one of their staff for an FTE position.”

¹² DHS FY 2023-24 S1 Increase Psychiatric Beds to Reduce the Competency Restoration Waitlist, pg.6

JBC STAFF RECOMMENDATION

THE RECOMMENDED APPROACH AND TOTAL COST OF THAT APPROACH

The above data lead JBC staff to conclude that a \$14,000 incentive payment is insufficient, especially for the more highly paid job classifications like Physician or Dentist. For example, a Physician II can make \$14,000 in 65 hours of contract work, or 1.6 standard work weeks (40 hours/week).

The DHS made modest gains with \$14,000 incentive payments but is still expecting to spend tens of millions on contract agency staff. Staff is skeptical that short-term incentive payments of \$14,000 will meaningfully reduce job vacancies at the DOC and DHS and sustain any progress that the State makes in that area.

JBC staff recommends a different approach that can be scaled and adjusted as the Committee deems necessary. Staff thinks the State should provide incentive payments to bring state employee compensation to 75.0 percent or more of contract agency compensation. Anything less than 100.0 percent is still cheaper than contract agency rates. Staff also thinks the General Assembly should adopt this approach for both the DOC and the DHS given the similarities between the challenging individuals they serve, the challenging environment in which that service occurs, and their inability to hire people to provide that service.

From that starting principle, it is a question of which job classifications to include and how many of those positions the State should aim to fill. Staff recommends aiming for a 10.0 percent vacancy rate among the positions identified in this request, plus the Mid-level Provider position (a Nurse IV) and the Social Worker IV position.¹³ The table below shows the total cost of adopting this approach, though it does not reflect staff's actual recommendation for reasons discussed below.

TABLE 6~TOTAL COST TO ACHIEVE 10% JOB VACANCY RATE WITH INCENTIVE PAYMENT

JOB CLASS	TOTAL POSITIONS	CURRENTLY VACANT	ACHIEVE 10% VACANCY RATE	HIRING INCENTIVE TO GET TO 85% OF CONTRACT PAY	TOTAL COST
Dentist I	17	7	15	\$158,451	\$2,376,765
Mid-level Provider	42	11	38	\$118,357	4,497,553
Nurse I	177	57	159	\$35,082	5,578,051
Nurse III	32	9	29	\$40,772	1,182,388
Physician II	16	8	14	\$177,112	2,479,568
<i>Subtotal Med Services-focused job classes</i>	<i>284</i>	<i>92</i>	<i>255</i>		<i>\$16,114,324</i>
Health Professional II	127	60	114	\$37,226	\$4,243,758
Psychologist I	9	5	8	\$63,041	504,328
Social Worker III	79	50	71	\$20,319	1,442,669
Social Worker IV	37	12	33	\$21,924	723,494
<i>Subtotal Mental Health, Drug & Alcohol, and Sex Offender Treatment</i>	<i>252</i>	<i>127</i>	<i>226</i>		<i>\$6,914,249</i>
Total	536	219	481		\$23,028,573

RECOMMENDED PRIORITIZATION, RELATIONSHIP TO REQUEST S6, AND WAYS TO PAY

If the Committee likes staff's recommended approach but wants a more affordable option, staff recommends prioritizing those job classes in the Medical Services Subprogram, which is the focus of S6. Staff is recommending approval of S6, which asks for an increase of \$5.5 million General Fund in

¹³ In FY 2021-22 and FY 2022-23, the DOC employed about 30.0 Mid-level Provider FTE. This represents a job vacancy rate of about 28.6 percent. Request S6 highlights this position as a contributor to increasing expenditures for contract agency staff.

FY 2023-24 to cover projected expenditures for contract agency staffing in the Medical Services Subprogram through the end of fiscal year. If a more aggressive incentive payment plan increases the number of state employees, the Department should be able to reduce its reliance on contract agency staff and not need an increased appropriation for that purpose in FY 2024-25.

The \$16.1 million cost for job classes in the Medical Services Subprogram would translate to about \$8.1 million in FY 2023-24 if the incentive payment is made in two installments, with the first half occurring in the last quarter of FY 2023-24 and the second half occurring in FY 2024-25. If incentive payments were made quarterly over the course of a year (the incentive period recommended by JBC staff), the FY 2023-24 cost would be about \$4.0 million.

Per S6, the DOC is expecting to spend \$8.2 million General Fund on contract agency staffing from its Medical Service Subprogram-*Personal Services* line item in the last three months of FY 2023-24. The Committee could reallocate that amount from *Personal Services* to the *Incentives and Bonuses* line item to support larger incentive payments for state employees, rather than payments for contract agency staff. Staff cautions against that approach in the current fiscal year because contract agencies are not always timely with their billing, sometimes billing months in arrears.

However, the reallocation approach may be more feasible in FY 2024-25. Reallocating some amount of expected expenditures for contract staff from *Personal Services* to the *Incentives and Bonuses* line item aims to ensure that *Personal Services* appropriations are for state employees and not for contract agency personnel. It also aims to utilize existing funding for this effort, rather than relying exclusively on an increase in appropriations.

CONCLUSION

Staff recommends denial of the supplemental request. The DHS is currently providing \$14,000 incentive payments to nurses, which is expected to end in March 2024. This supplemental request would start incentive payments for DOC clinical staff just as the DHS payments to their clinical staff are ending. JBC staff is working on a different and more consistent approach to incentive payments for clinical staff at both the DOC and the DHS, starting in FY 2024-25. This approach provides incentive payments as percentage of contract agency rates, rather than flat payments regardless of job classifications or contract agency rates.

However, JBC staff need more time to coordinate across agencies and ensure that the Committee understands the full cost of this approach for both the DOC and the DHS. Consequently, staff thinks that the Committee should focus on FY 2024-25 by denying supplemental funding for this request and approving the DOC's request S6 for an additional \$5.5 million General Fund for contract agency staff. Focusing on FY 2024-25 also allows JBC staff to incorporate the JBC's total compensation decisions in their incentive calculations.

S4 OVERTIME

	REQUEST	RECOMMENDATION
TOTAL	\$4,056,458	\$1,033,577
FTE	0.0	0.0
General Fund	4,056,458	1,033,577
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$4,056,458 General Fund in FY 2023-24 to address a projected deficit in overtime expenses. The FY 2023-24 Long Bill includes \$35.3 million General Fund for overtime but the Department says they are expecting to spend \$39.4 million.

STAFF RECOMMENDATION: Staff recommends an increase of \$1,033,577 General Fund in FY 2023-24 only. This increase would not carry forward into the FY 2024-25 budget. This amount represents the impact of the 5.0 percent across-the-board salary increase for FY 2023-24. The current overtime appropriation did not account for this increase.

STAFF ANALYSIS:

BACKGROUND: NEW OVERTIME LINE ITEM IN FY 2023-24

The *Overtime* line item in the Executive Director's Office was a new addition to the DOC's budget in FY 2023-24. JBC staff recommended and the Committee approved this new line item in the amount of \$35,340,753 General Fund. This amount represents FY 2021-22 overtime expenditures in various *Personal Services* line items throughout the Department. Each of these *Personal Services* line items was reduced by an amount equivalent to its FY 2021-22 overtime expenditures. This resulted in a net-zero reallocation from multiple *Personal Services* line items to the new *Overtime* line item.

This reallocation aimed to do three things. First, it aimed to distinguish overtime expenses from other personal services expenditures, as opposed to the then-current practice of pooling them all together in personal services line items. Second, it aimed to encourage transparency in the budget and in budget requests. In other words, the aim was to encourage the Department to ask for what it actually needs. In the recommendation to create this new line item, JBC staff wrote, "If [the Department] thinks it is going to run low on overtime, it can submit a supplemental budget request for additional overtime appropriations." Third, it indicates (though not exclusively) whether the Department is succeeding in its efforts to reduce historically high employee vacancy rates. These high vacancy rates have been driving significant overtime expenditures over the last couple of fiscal years. The thought was, and still is, that improving staffing levels should lead to a reduction in overtime expenditures.

ANALYSIS OF THE REQUEST

The Department is expecting a 15.4 percent decline in overtime hours in FY 2023-24 relative to FY 2022-23. But it is only expecting a 3.8 percent reduction in overtime expenditures. The disparity appears to stem from a much higher assumed hourly rate in FY 2023-24. The average overtime rate in FY 2022-23 was \$42.21, yet the FY 2023-24 appears to be 13.7 percent higher at \$48.00.

DOC OVERTIME FY 2022-23 ACTUAL VS. FY 2023-24 PROJECTED						
MONTH	FY23 OVERTIME \$	FY23 OT HOURS	FY23 \$/HOUR	FY24 OVERTIME \$	FY24 OT HOURS	FY24 \$/HOUR
July	\$2,512,458	59,560	\$42.18	\$2,954,506	61,552	\$48.00
August	3,025,846	71,666	42.22	\$3,171,167	66,066	48.00
Sep	3,267,544	77,440	42.19	\$3,233,225	67,359	48.00
Oct	3,295,504	77,416	42.57	\$3,437,177	71,608	48.00
Nov	3,476,616	82,066	42.36	\$3,619,429	75,405	48.00
Dec	3,207,281	75,722	42.36	\$3,283,101	68,398	48.00
Jan	3,606,853	85,821	42.03	\$3,283,101	68,398	48.00
Feb	3,254,590	77,455	42.02	\$3,283,101	68,398	48.00
Mar	3,186,158	75,474	42.22	\$3,283,101	68,398	48.00
Apr	3,507,764	83,304	42.11	\$3,283,101	68,398	48.00
May	3,306,788	78,744	41.99	\$3,283,101	68,398	48.00
Jun	5,316,270*	125,888	42.23	\$3,283,101	68,398	48.00
TOTAL	\$40,963,217	970,556	\$42.21	\$39,397,211	820,776	\$48.00
* Per the DOC, this larger expenditure includes compensation time end-of-year payouts.						
Figures for FY 2023-24 from December through June are projections.						
JBC staff notes that there were 863,709 overtime hours in FY 2021-22 at an average hourly rate of \$40.92.						

The request notes that the FY 2023-24 *Overtime* appropriation did not account for the 5.0 percent across-the-board wage increase. It also notes that overtime expenditures are also impacted by additional leave instituted by the Statewide Partnership Agreement, Paid Family Medical Leave, and the new Juneteenth holiday.

The Department is correct that the FY 2023-24 *Overtime* appropriation does not account for the 5.0 percent across-the-board wage increase. That is because the appropriation was based on actual expenditures that occurred in FY 2021-22. However, when the 5.0 percent wage increase is accounted for, the required increase would only be \$1.0 million for the projected number of overtime hours in FY 2023-24.

ACCOUNTING FOR THE FY 2023-24 COMPENSATION INCREASE	
	AMOUNT
820,776 projected overtime hours at FY23 hourly rate of \$42.21	\$34,642,219
Add 5% for the FY24 across-the-board compensation increase	36,374,330
Current FY24 <i>Overtime</i> appropriation	35,340,753
Projected FY24 shortfall when accounting for the 5% increase	(\$1,033,577)

Given the request for an increase of \$4.0 million, the remaining \$3.0 million stems from other factors. JBC staff inquired about the cost of the new Juneteenth holiday. To cut straight to the takeaway, the Department said that it “...does not have a clear way of calculating these costs.” The request similarly does not quantify the impact of the Partnership Agreement or Paid Family Medical Leave.

IS THE STAFF VACANCY RATE IMPROVING?

Yes, vacancy rates have improved in FY 2023-24 relative to FY 2022-23. In December 2022, the Department-wide vacancy rate was about 25.0 percent. In October 2023, it was about 21.0 percent.

However, vacancy rates for Correctional Officer (CO) I and II are down significantly over a similar time frame. In October 2022, there was a 28.5 percent vacancy rate for CO I's (682 of 2,397) and an 18.2 percent vacancy rate for CO II's (136 of 749). In October 2023, the vacancy rates were 14.9 percent and 15.6 percent, respectively. These positions account for almost half of the Department's FTE and are mainly located in the Housing and Security Subprogram *Personal Services* line item. This line item is historically the biggest contributor to overtime expenses.

CONCLUSION AND RECOMMENDATION

The following table shows that the Department is expecting fewer overtime hours in FY 2023-24 than in both FY 2022-23 and FY 2021-22, but that is not translating into reduced expenditures.

DOC OVERTIME EXPENDITURES AND HOURS			
	FY22	FY23	FY24 (PROJECTED)
Overtime expenditures	\$35,340,753	\$40,963,217	\$39,397,211
Overtime hours	863,709	970,556	820,776
Cost per hour	\$40.92	\$42.21	\$48.00

Overtime compensation is based on an employee's wages, so it makes sense that overtime costs will increase when wages increase. However, the projected hourly rate of \$48.00 for FY 2023-24 vastly exceeds the 5.0 percent across-the-board salary increase. The Department is not currently able to account for the other factors that are influencing that rate. JBC staff is generally comfortable recommending an increase that cannot be explained and thus limited the recommendation to cover the estimated cost of the 5.0 percent across-the-board salary increase.

S5/BA4 CORRECTIONS TRAINING ACADEMY

	REQUEST	RECOMMENDATION
TOTAL	\$769,596	\$769,596
FTE	0.0	0.0
General Fund	769,596	769,596
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$769,596 General Fund in FY 2023-24. Per the related budget amendment for FY 2024-25, this funding would continue in FY 2024-25. The request says the Department needs to increase throughput at its training academy to improve staffing levels. If not approved, the request says the Department will be forced to defer the majority of new hiring until July 1, 2024.

S5/BA4 CORRECTIONS TRAINING ACADEMY			
	FY 2023-24 S5 REQUEST	FY 2024-25 BA4 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	\$769,596	\$769,596	\$0

STAFF RECOMMENDATION: Staff recommends approval of the request.

STAFF ANALYSIS:

The request has two main components. The first component is larger Basic Training Program (BTP) class sizes, which drives additional travel and uniform costs. This accounts for \$711,293 (92.4 percent) of the request: \$661,293 for travel and \$50,000 for uniforms. These amounts represent a 53.1 percent increase in appropriations for travel (currently \$1.2 million) and a 20.0 percent increase for uniforms (currently \$250,000).

The request states that the average BTP class size in FY 2023-24 is 90.7 trainees, as compared to 63.8 students per BTP in FY 2022-23. On average, about half of these trainees qualify for travel status. This means the trainee lives more than 50 miles from the training academy in Colorado Springs. The DOC pays for lodging and food for these individuals. This has also led to an increase in the number of uniforms purchased by the DOC. The request notes that the cost of various uniform items has also increased over the past year.

The second component includes a \$58,303 increase for ammunition (\$46,134) and graduation venues (\$12,169) that can host larger classes. Correctional officers receive firearm training and the request notes that ammunition costs have risen significantly over the past few years.

S6 CONTRACT AGENCY STAFFING

	REQUEST	RECOMMENDATION
TOTAL	\$5,500,000	\$5,500,000
FTE	0.0	0.0
General Fund	5,500,000	5,500,000
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$5,500,000 General Fund in FY 2023-24 to address a projected deficit in funding for contract agency clinical workers. Per the request, the Department expects that \$26.7 million General Fund is available for contracted healthcare workers from two sources: (1) \$23.9 million of \$44.0 million General Fund appropriated for *Personal Services* in the Medical Services Subprogram, and (2) \$2.7 million General Fund in the *Service Contracts* line item in the same subprogram. However, the Department projects that it will spend \$32.2 General Fund on contracted healthcare workers, resulting in a projected deficit of about \$5.5 million.

STAFF RECOMMENDATION: Staff recommends approval of the request. The analysis for Request S3/BA3 Staff Incentives and Bonuses provides additional detail about the DOC's clinical staffing challenges and how those challenges lead to a reliance on expensive contract agency staff.

S7/BA5 FOOD SERVICE INFLATION

	REQUEST	RECOMMENDATION
TOTAL	\$362,254	\$362,254
FTE	0.0	0.0
General Fund	362,254	362,254
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made. The interagency agreement with the Department of Human Services was signed in July 2023.

DEPARTMENT REQUEST: The Department requests an increase of \$362,254 General Fund in FY 2023-24. These funds would help the Department meet the requirements of the Colorado Mental Health Hospital in Pueblo (CMHHIP) inter-agency agreement in which Department of Human Services (DHS) provides food services to the DOC facilities located on CMHHIP campus. Per the related budget amendment, this would increase to \$402,558 General Fund in FY 2024-25 and would remain in the budget in future years.

S7/BA5 FOOD SERVICE INFLATION			
SOURCE	FY 2023-24 S7 REQUEST	FY 2024-25 BA5 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	\$362,254	\$402,558	\$40,304

STAFF RECOMMENDATION: Staff recommends approval of the request.

STAFF ANALYSIS:

The FY 2023-24 Long Bill includes \$2,156,475 for the *Food Service Pueblo Campus* line item. This line item was increased by \$273,706 General Fund during last year's supplemental process, which carried forward into FY 2023-24. That increase sought to address higher costs for food and labor, as does the current request.

The amount for the current request was based on actual expenditures from July through October. The average monthly expenditure for that four-month period was then projected forward for the remaining 8 months. This results in a total projected expenditure of \$2,518,729 General Fund, leading to the request of \$362,254 to make up the difference between the current appropriation and projected need.

S8/BA7 INMATE PHONE SYSTEM

	REQUEST	RECOMMENDATION
TOTAL	\$120,217	\$0
FTE	0.0	0.0
General Fund	120,217	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is the result of information that was not available when the original appropriation was made.

DEPARTMENT REQUEST: The Department requests an increase of \$120,217 General Fund in FY 2023-24. This represents a 52.3 percent increase from the current appropriation of \$229,783 General Fund. Per the related budget amendment, this increase annualizes to \$201,966 General Fund in FY 2024-25.

The request says that additional funding is necessary because the Department's share of phone call expenses has exceeded the fiscal note estimates for H.B. 23-1133 (Cost of Phone Calls for Persons in Custody).

S8/BA7 INMATE PHONE SYSTEM			
SOURCE	FY 2023-24 S7 REQUEST	FY 2024-25 BA5 REQUEST	YEAR-OVER-YEAR CHANGE (IF BOTH APPROVED)
General Fund	\$120,217	\$201,966	\$81,749

STAFF RECOMMENDATION: Staff recommends delaying action until figure setting, as currently year appropriations can be adjusted throughout the budget process. This recommendation is based on a lack of key information. Specifically, the Department does not currently possess the year-to-date number of minutes used for inmate phone calls.

STAFF ANALYSIS:

House Bill 23-1133 requires the DOC to cover 25.0 percent of the cost of inmate phone calls in their facilities starting on September 1, 2023. This rises to 35.0 percent of the cost starting on July 1, 2024 and then to 100.0 of the cost starting July 1, 2025.

The current FY 2023-24 appropriation of \$229,783 was calculated as follows: (10.4 minutes/inmate/day * \$0.019/minute * 365 days * 15,264 inmates) * .25 * (10/12) = \$229,354. The \$429 difference stems from rounding at various points in the process.

The per minute rate of \$0.019 came from the DOC's response to the Legislative Council Staff (LCS) fiscal note analyst on February 7, 2023. That response said, "The Department is negotiating with a

new vendor for a proposed contract that starts July 1, 2023. The in-progress contract rate for voice services is expected to be \$0.019 per minute.” The response also said the then-current per-inmate per-day usage was 8.14 minutes, or 2,971 minutes per-inmate per-year. These numbers appear to have based on a prison population of 9,769, well below the 15,264 inmates shown in the DOC’s prison population report at the end of January 2023. The following table compares the DOC’s calculations to the LCS Fiscal Note.

H.B. 23-1133 FISCAL NOTE CALCULATIONS		
	DOC	LCS
Total estimated phone minutes FY23	29,025,166	29,025,166
Number of inmates ¹	9,769	15,264
Days	365	365
Minutes per-inmate per-day	8.14	5.21
Estimated increase in call volume ²	375%	200%
FY24 Bill impact minutes per-inmate per-day	30.5	10.4
Days		365
Cost per minute		\$0.019
Number of inmates		15,264
Total cost		\$1,103,018
25% of total cost		\$275,754
Prorated for 10 months with September 1 effective date		\$229,795
1. The number of inmates shown in the DOC column was reverse-calculated by JBC based on other data provided in the fiscal note response. The number of inmates shown in the LCS column reflects the number of inmates actually in prison as of January 31, 2023.		
2. The 375% increase in the DOC column reflects introduced version of the bill, which would have required the State to cover 100% of the cost of phone calls. The 200% increase in call volume estimated by LCS reflects the final version of the bill, which ramps up the State’s obligation over three years		

The Department’s request takes a completely different approach. By “completely,” JBC staff means that the request does not mention any of the variables used in the fiscal note calculation. Instead, the request uses a single month of billing (September 2023) to forecast expenses for the rest of the fiscal year.

Per the request, the first facility went online on September 11, 2023, and the remaining facilities went online throughout the month. This led to an invoice of \$34,849 for the month of September (the Department’s 25.0 percent share of the total cost). The DOC then rounded this up to \$35,000 for a total cost of \$140,000 for the month of September. When multiplied by 10 months, this produces a total projected cost of \$1.4 million. When divided by four to get the DOC’s 25.0 percent share, this produces a total annual cost of \$350,000, hence the requested increase of \$120,217.

Table 1 - HB 23-1133 Mandated Contribution Summary

	FY 2024-25	FY 2025-26
Total Monthly CIPS Billing	\$140,000 ²	\$140,000
Mandated DOC Contribution	25%	35%
Affected Months	10 ³	12
Projected Annual Cost	\$350,000	\$588,000
HB 23-1133 Funding	\$229,783	\$386,034
Total Short	\$120,217	\$201,966

Source: Screenshot of Table 1 in DOC Request S8/BA7 Inmate Phone Calls

It is not clear which variables are driving these costs. Is the number of inmates different? Yes, but this translates to a relatively small increase in funding. The fiscal note assumed a prison population of 15,264 inmates (which was the number of inmates at the end of January 2023). At the end of September 2023, there were 15,720 inmates, which is 3.0 percent higher than the fiscal note assumption. This translates to an increase of about \$7,000 if all of the fiscal note's other assumptions are held constant.

The request discusses the number of calls—both completed and not completed—in September and October. For example, it states that there was an average of 22,965 completed calls per day in October, as compared to an average of 10,549 calls per day in September.

However, the number of calls is not the relevant data point. Based on the fiscal note, what matters is the number of minutes that can be billed to the Department and the inmate making the call. The request does not provide this information, nor does it say whether the cost per minute has changed.

It is JBC staff's understanding that the \$34,849 September invoice did not provide the Department with the number of phone minutes used. Because the number of minutes was a key variable in the fiscal note and the current appropriation, staff recommends delaying action on this decision item. It is staff's understanding that the Department should have this information soon. Staff also notes that eventually the State will be required to pay 100.0 of the cost of phone calls, so staff does not want to establish a precedent using an inadequate methodology (a single invoice).

S9/BA9 TECHNICAL ADJUSTMENTS

	REQUEST	RECOMMENDATION
TOTAL	\$0	\$0
FTE	0.0	0.0
General Fund	0	0
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is technical in nature.

DEPARTMENT REQUEST: The Department requests multiple net-neutral technical adjustments:

- Remove the 7.7 FTE authority in the Executive Director's Office (EDO) Operating Expenses line and move to the EDO Personal Services line. The FY 2023-24 R-06 FTE Realignment decision item was approved to reallocate the 48.0 FTE authority from Colorado Correctional Industries (CCI) to various other subprogram Personal Services lines. As part of this, 7.7 FTE was to be reallocated to the EDO Personal Services line but was errantly taken to the EDO Operating Expenses line.
- Adjust a letternote for the EDO Leased Space line. The letternote says that some funding comes from the Canteen cash fund, but the Canteen Division does not occupy any leased space. The request is to move the \$42,269 Canteen cash fund amount to the Correctional Industries cash fund. This will give Correctional Industries the proper spending authority for the leased space that CCI occupies. There is a net-zero effect on the cash fund spending authority.
- Provide an add-on to S.B. 23-039 (Reduce Child and Incarcerated Parent Separation). Two parts of the appropriation clause were set to the Business Operations Subprogram. These appropriations should go to the Legal Subprogram in the Long Bill and that is the proper place for the funding and FTE. An add-on to S.B. 23-039 is requested to adjust the appropriation clause.

STAFF RECOMMENDATION: Staff recommends approval of the request.

S10 REVERSE FAU TRANSFER FROM PAROLE TO INSPECTOR GENERAL

	REQUEST	RECOMMENDATION
TOTAL	(\$395,600)	(\$367,894)
FTE	(0.9)	(0.9)
General Fund	(\$395,600)	(\$367,894)
Cash Funds	0	0
Reappropriated Funds	0	0
Federal Funds	0	0

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

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

Explanation: JBC staff and the Department agree that this request is due to unforeseen contingencies.

DEPARTMENT REQUEST: The Department requests reduction of \$395,600 General Fund and 0.9 FTE in FY 2023-24. This request represents the current year impact of the Department's decision to reverse a decision item that was incorporated into the FY 2023-24 budget. There is a related decision item for FY 2024-25.

The request from the last legislative session, which the JBC approved, aimed to transfer the Fugitive Apprehension Unit (FAU) from the Parole Subprogram to the Inspector General Subprogram. It included funding to reclassify Community Parole Officers in the FAU as Criminal Investigator II's. It also included funding to provide specialized equipment for those investigators and add an Administrative Assistant.

Per the current request, this move created equal pay for equal work concerns. The FAU handles approximately 25.0 percent of fugitive cases, with the remainder handled by other parole officers. The starting salary for a Criminal Investigator II is \$16,874 more than starting pay for a Community Parole Officer, which the current request describes as "problematic."

STAFF RECOMMENDATION: Staff recommends a decrease of \$367,894 General Fund in FY 2023-24, which represents the amount that was approved for the original decision item. This amount excluded centrally appropriated costs for the Administrative Assistant.

PREVIOUSLY APPROVED INTERIM SUPPLEMENTAL
REQUEST

ES1 BUENA VISTA HOUSING

	REQUEST	APPROVED
TOTAL	\$120,000	\$120,000
FTE	0.0	0.0
General Fund	\$120,000	\$120,000
Cash Funds	0	0
Federal Funds	0	0

DEPARTMENT REQUEST: The Department requested an increase of \$120,000 General Fund in the *Operating Expenses* line item in the Superintendents Subprogram.

SUMMARY: These funds aim to help the DOC secure housing accommodations for up to 50 staff through one or more housing vendors in the greater Buena Vista area. The cost of this effort increases to \$360,000 General Fund in FY 2024-25.

This funding represents what the DOC would pay to a housing vendor for any housing opportunity that is not filled and paid for by a DOC employee. The Department would contract with a housing vendor to ensure the availability of housing for up to 50 DOC staff – and would guarantee a payment of \$600 per “bed” in the program. The Department would first offer these contractually guaranteed beds to DOC staff currently living on BVCC grounds. After that, other DOC staff working at BVCC would have the opportunity to lease one of those beds. The DOC would pay the vendor \$600 per month for any unoccupied bed.

COMMITTEE ACTION: The Committee approved the Department’s request.

STATEWIDE COMMON POLICY SUPPLEMENTAL REQUESTS

These requests are not prioritized and are not analyzed in this packet. The JBC will act on these items later when it makes decisions regarding common policies.

DEPARTMENT'S PORTION OF STATEWIDE SUPPLEMENTAL REQUEST	TOTAL	GENERAL FUND	CASH FUNDS	REAPPROP. FUNDS	FEDERAL FUNDS	FTE
NPS1 DPA Annual fleet supplemental	(\$39,634)	(\$34,640)	(\$4,994)	\$0	\$0	0.0
NPS2 DPA Risk funding adjustment	6,904,668	6,752,075	152,593	0	0	0.0
NPS3 CDPS Digital trunk radios	(1,755,754)	(1,755,754)	0	0	0	0.0
NPS4 OIT Real-time billing	(883,359)	(879,679)	(3,680)	0	0	0.0
DEPARTMENT'S TOTAL STATEWIDE SUPPLEMENTAL REQUESTS	\$4,225,921	\$4,082,002	\$143,919	\$0	\$0	\$0

STAFF RECOMMENDATION: The staff recommendation for these requests is pending Committee action on common policy supplementals. Staff asks permission to include the corresponding appropriations in the Department's supplemental bill when the Committee acts on common policy supplementals. If staff believes there is reason to deviate from the common policy, staff will appear before the Committee at a later date to present the relevant analysis.

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

Appendix A: Numbers Pages

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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DEPARTMENT OF CORRECTIONS
Moses 'Andre' Stancil, Executive Director

S1/BA1 Prison Caseload

(1) MANAGEMENT

(A) Executive Director's Office Subprogram

Additional prison capacity - Personal Services	<u>0</u>	<u>646,967</u>	<u>0</u>	<u>(59,855)</u>	<u>587,112</u>
FTE	0.0	9.0	0.0	(0.8)	8.2
General Fund	0	646,967	0	(59,855)	587,112
Cash Funds	0	0	0	0	0
Additional prison capacity - Operating Expenses	<u>0</u>	<u>1,692,074</u>	<u>0</u>	<u>(843,868)</u>	<u>848,206</u>
General Fund	0	1,692,074	0	(843,868)	848,206
Cash Funds	0	0	0	0	0
Additional prison capacity - Facility start-up	<u>0</u>	<u>173,537</u>	<u>0</u>	<u>(91,911)</u>	<u>81,626</u>
General Fund	0	173,537	0	(91,911)	81,626
Cash Funds	0	0	0	0	0
Additional prison capacity - Personnel start-up	<u>0</u>	<u>95,500</u>	<u>0</u>	<u>(9,550)</u>	<u>85,950</u>
General Fund	0	95,500	0	(9,550)	85,950
Cash Funds	0	0	0	0	0

(1) MANAGEMENT

(B) External Capacity Subprogram

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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(2) Payments to House State Prisoners

Payments to in-state private prisons	<u>61,475,645</u>	<u>66,001,988</u>	<u>0</u>	<u>(5,537,961)</u>	<u>60,464,027</u>
General Fund	59,075,645	63,108,602	0	(5,537,961)	57,570,641
Cash Funds	2,400,000	2,893,386	0	0	2,893,386
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

(C) Housing and Security Subprogram

Operating Expenses	<u>2,033,739</u>	<u>2,053,926</u>	<u>(8,487)</u>	<u>0</u>	<u>2,053,926</u>
General Fund	2,033,739	2,053,926	(8,487)	0	2,053,926
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

(D) Food Service Subprogram

Operating Expenses	<u>21,751,601</u>	<u>22,091,933</u>	<u>(127,897)</u>	<u>0</u>	<u>22,091,933</u>
General Fund	21,751,601	22,091,933	(127,897)	0	22,091,933
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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(E) Medical Services Subprogram

Operating Expenses	<u>2,658,789</u>	<u>2,660,005</u>	<u>(3,005)</u>	<u>0</u>	<u>2,660,005</u>
General Fund	2,658,789	2,660,005	(3,005)	0	2,660,005
Cash Funds	0	0	0	0	0

(2) INSTITUTIONS

(F) Laundry Subprogram

Operating Expenses	<u>2,411,051</u>	<u>2,436,502</u>	<u>(7,941)</u>	<u>0</u>	<u>2,436,502</u>
General Fund	2,411,051	2,436,502	(7,941)	0	2,436,502
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

(G) Superintendents Subprogram

Operating Expenses	<u>5,768,854</u>	<u>6,450,537</u>	<u>(13,645)</u>	<u>0</u>	<u>6,450,537</u>
General Fund	5,768,854	6,450,537	(13,645)	0	6,450,537
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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(I) Case Management Subprogram

Operating Expenses	<u>181,457</u>	<u>182,167</u>	<u>(674)</u>	<u>0</u>	<u>182,167</u>
General Fund	181,457	182,167	(674)	0	182,167
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

(K) Inmate Pay Subprogram

Inmate Pay	<u>2,266,470</u>	<u>2,373,004</u>	<u>(10,368)</u>	<u>0</u>	<u>2,373,004</u>
General Fund	2,266,470	2,373,004	(10,368)	0	2,373,004
Cash Funds	0	0	0	0	0

(3) SUPPORT SERVICES

(F) Training Subprogram

Operating Expenses	<u>279,213</u>	<u>287,221</u>	<u>(127)</u>	<u>0</u>	<u>287,221</u>
General Fund	279,213	287,221	(127)	0	287,221
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(4) INMATE PROGRAMS

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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(B) Education Subprogram

Operating Expenses	<u>3,528,501</u>	<u>4,605,431</u>	<u>(4,613)</u>	<u>0</u>	<u>4,605,431</u>
General Fund	2,816,746	3,118,746	0	0	3,118,746
Cash Funds	704,909	1,197,770	(4,613)	0	1,197,770
Reappropriated Funds	6,846	288,915	0	0	288,915
Federal Funds	0	0	0	0	0

(4) INMATE PROGRAMS

(C) Recreation Subprogram

Operating Expenses	<u>72,812</u>	<u>77,552</u>	<u>(250)</u>	<u>0</u>	<u>77,552</u>
General Fund	0	0	0	0	0
Cash Funds	72,812	77,552	(250)	0	77,552
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S1/BA1 Prison Caseload	102,428,132	111,828,344	(177,007)	(6,543,145)	105,285,199
FTE	<u>0.0</u>	<u>9.0</u>	<u>0.0</u>	<u>(0.8)</u>	<u>8.2</u>
General Fund	99,243,565	107,370,721	(172,144)	(6,543,145)	100,827,576
Cash Funds	3,177,721	4,168,708	(4,863)	0	4,168,708
Reappropriated Funds	6,846	288,915	0	0	288,915
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S2/BA2 Medical caseload

(2) INSTITUTIONS

(E) Medical Services Subprogram

Purchase of Pharmaceuticals	<u>20,218,170</u>	<u>19,934,521</u>	<u>1,381,706</u>	<u>1,753,286</u>	<u>21,687,807</u>
General Fund	20,218,170	19,934,521	1,381,706	1,753,286	21,687,807
Cash Funds	0	0	0	0	0
Purchase of Medical Services from Other Medical Facilities	<u>49,261,206</u>	<u>53,778,179</u>	<u>3,083,640</u>	<u>3,083,641</u>	<u>56,861,820</u>
General Fund	49,261,206	53,778,179	3,083,640	3,083,641	56,861,820
Cash Funds	0	0	0	0	0
Total for S2/BA2 Medical caseload	69,479,376	73,712,700	4,465,346	4,836,927	78,549,627
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	69,479,376	73,712,700	4,465,346	4,836,927	78,549,627
Cash Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S3 Staff incentives and bonuses

(1) MANAGEMENT

(A) Executive Director's Office Subprogram

Short-term Disability	<u>599,134</u>	<u>659,914</u>	<u>588</u>	<u>0</u>	<u>659,914</u>
General Fund	584,163	648,249	588	0	648,249
Cash Funds	14,971	11,665	0	0	11,665
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 S.B. 04-257 Amortization Equalization Disbursement	 <u>19,122,947</u>	 <u>19,313,837</u>	 <u>19,600</u>	 <u>0</u>	 <u>19,313,837</u>
General Fund	18,645,113	18,924,777	19,600	0	18,924,777
Cash Funds	477,834	389,060	0	0	389,060
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 S.B. 06-235 Supplemental Amortization Equalization	 <u>19,122,947</u>	 <u>19,313,837</u>	 <u>19,600</u>	 <u>0</u>	 <u>19,313,837</u>
Disbursement	<u>19,122,947</u>	<u>19,313,837</u>	<u>19,600</u>	<u>0</u>	<u>19,313,837</u>
General Fund	18,645,113	18,924,777	19,600	0	18,924,777
Cash Funds	477,834	389,060	0	0	389,060
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
 Incentives	 <u>0</u>	 <u>17,605,726</u>	 <u>443,038</u>	 <u>0</u>	 <u>17,605,726</u>
General Fund	0	17,605,726	443,038	0	17,605,726
Cash Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
Total for S3 Staff incentives and bonuses	38,845,028	56,893,314	482,826	0	56,893,314
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	37,874,389	56,103,529	482,826	0	56,103,529
Cash Funds	970,639	789,785	0	0	789,785
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S4 Overtime

(1) MANAGEMENT

(A) Executive Director's Office Subprogram

Overtime	<u>0</u>	<u>35,340,753</u>	<u>4,056,458</u>	<u>1,033,577</u>	<u>36,374,330</u>
General Fund	0	35,340,753	4,056,458	1,033,577	36,374,330
Cash Funds	0	0	0	0	0

Total for S4 Overtime	0	35,340,753	4,056,458	1,033,577	36,374,330
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	0	35,340,753	4,056,458	1,033,577	36,374,330
Cash Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S5 Corrections Training Academy

(2) INSTITUTIONS

(G) Superintendents Subprogram

Operating Expenses	<u>5,768,854</u>	<u>6,450,537</u>	<u>711,293</u>	<u>711,293</u>	<u>7,161,830</u>
General Fund	5,768,854	6,450,537	711,293	711,293	7,161,830
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(3) SUPPORT SERVICES

(F) Training Subprogram

Operating Expenses	<u>279,213</u>	<u>287,221</u>	<u>58,303</u>	<u>58,303</u>	<u>345,524</u>
General Fund	279,213	287,221	58,303	58,303	345,524
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S5 Corrections Training Academy	6,048,067	6,737,758	769,596	769,596	7,507,354
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	6,048,067	6,737,758	769,596	769,596	7,507,354
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
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S6 Contract agency staffing

(2) INSTITUTIONS

(E) Medical Services Subprogram

Service Contracts	<u>2,665,998</u>	<u>2,745,978</u>	<u>5,500,000</u>	<u>5,500,000</u>	<u>8,245,978</u>
General Fund	2,665,998	2,745,978	5,500,000	5,500,000	8,245,978
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S6 Contract agency staffing	2,665,998	2,745,978	5,500,000	5,500,000	8,245,978
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	2,665,998	2,745,978	5,500,000	5,500,000	8,245,978
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
Staff Working Document - Does Not Represent Committee Decision

	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
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S7 Food service inflation

(2) INSTITUTIONS

(D) Food Service Subprogram

Food Service Pueblo Campus	<u>2,156,475</u>	<u>2,156,475</u>	<u>362,254</u>	<u>362,254</u>	<u>2,518,729</u>
General Fund	2,156,475	2,156,475	362,254	362,254	2,518,729
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S7 Food service inflation	2,156,475	2,156,475	362,254	362,254	2,518,729
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	2,156,475	2,156,475	362,254	362,254	2,518,729
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

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S8 Inmate phone systems

(2) INSTITUTIONS

(G) Superintendents Subprogram

Inmate Telephone Calls	<u>229,783</u>	<u>120,217</u>	<u>0</u>	<u>229,783</u>
General Fund	229,783	120,217	0	229,783
Cash Funds	0	0	0	0

Total for S8 Inmate phone systems	229,783	120,217	0	229,783
<i>FTE</i>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
General Fund	229,783	120,217	0	229,783
Cash Funds	0	0	0	0

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S9 Technical adjustments					
(1) MANAGEMENT					
(A) Executive Director's Office Subprogram					
Personal Services	<u>4,316,222</u>	<u>4,507,100</u>	<u>0</u>	<u>0</u>	<u>4,507,100</u>
FTE	40.2	37.3	7.7	7.7	45.0
General Fund	4,198,725	4,263,295	0	0	4,263,295
Cash Funds	0	0	0	0	0
Reappropriated Funds	117,497	243,805	0	0	243,805
Federal Funds	0	0	0	0	0
Operating Expenses	<u>414,249</u>	<u>408,939</u>	<u>7.7</u>	<u>0 (7.7)</u>	<u>408,939 0.0</u>
General Fund	384,984	318,939	0	0	318,939
Cash Funds	0	0	0	0	0
Reappropriated Funds	5,000	5,000	0	0	5,000
Federal Funds	24,265	85,000	0	0	85,000
Leased Space	<u>6,228,521</u>	<u>6,199,855</u>	<u>0</u>	<u>0</u>	<u>6,199,855</u>
General Fund	6,069,503	6,020,750	0	0	6,020,750
Cash Funds	159,018	179,105	0	0	179,105
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Total for S9 Technical adjustments	10,958,992	11,115,894	0	0	11,115,894
FTE	40.2	45.0	0.0	0.0	45.0
General Fund	10,653,212	10,602,984	0	0	10,602,984
Cash Funds	159,018	179,105	0	0	179,105
Reappropriated Funds	122,497	248,805	0	0	248,805
Federal Funds	24,265	85,000	0	0	85,000

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JBC Staff Supplemental Recommendations - FY 2023-24
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S10 Reverse FAU transfer from Parole to Inspector General					
(1) MANAGEMENT					
(A) Executive Director's Office Subprogram					
Health, Life, and Dental	<u>69,132,439</u>	<u>74,635,154</u>	<u>(11,033)</u>	<u>0</u>	<u>74,635,154</u>
General Fund	67,405,949	73,061,188	(11,033)	0	73,061,188
Cash Funds	1,726,490	1,573,966	0	0	1,573,966
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Short-term Disability	<u>599,134</u>	<u>659,914</u>	<u>(263)</u>	<u>0</u>	<u>659,914</u>
General Fund	584,163	648,249	(263)	0	648,249
Cash Funds	14,971	11,665	0	0	11,665
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 04-257 Amortization Equalization Disbursement	<u>19,122,947</u>	<u>19,313,837</u>	<u>(8,205)</u>	<u>0</u>	<u>19,313,837</u>
General Fund	18,645,113	18,924,777	(8,205)	0	18,924,777
Cash Funds	477,834	389,060	0	0	389,060
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
S.B. 06-235 Supplemental Amortization Equalization					
Disbursement	<u>19,122,947</u>	<u>19,313,837</u>	<u>(8,205)</u>	<u>0</u>	<u>19,313,837</u>
General Fund	18,645,113	18,924,777	(8,205)	0	18,924,777
Cash Funds	477,834	389,060	0	0	389,060
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

JBC Staff Supplemental Recommendations - FY 2023-24
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	FY 2022-23 Actual	FY 2023-24 Appropriation	FY 2023-24 Requested Change	FY 2023-24 Rec'd Change	FY 2023-24 Total w/Rec'd Change
(1) MANAGEMENT					
(C) Inspector General Subprogram					
Personal Services	<u>4,739,812</u>	<u>5,927,193</u>	<u>(1,105,808)</u>	<u>(1,105,808)</u>	<u>4,821,385</u>
FTE	51.8	63.8	(12.6)	(12.6)	51.2
General Fund	4,739,812	5,820,960	(1,105,808)	(1,105,808)	4,715,152
Cash Funds	0	106,233	0	0	106,233
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Operating Expenses	<u>415,615</u>	<u>473,722</u>	<u>(9,650)</u>	<u>(9,650)</u>	<u>464,072</u>
General Fund	415,615	390,535	(9,650)	(9,650)	380,885
Cash Funds	0	83,187	0	0	83,187
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0
Inspector General Start-up	<u>118,152</u>	<u>170,208</u>	<u>(170,208)</u>	<u>(170,208)</u>	<u>0</u>
General Fund	118,152	170,208	(170,208)	(170,208)	0
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(2) INSTITUTIONS

JBC Staff Supplemental Recommendations - FY 2023-24
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(G) Superintendents Subprogram

Start-up Costs	<u>5,809,824</u>	<u>16,400</u>	<u>(2,050)</u>	<u>(2,050)</u>	<u>14,350</u>
General Fund	5,809,824	16,400	(2,050)	(2,050)	14,350
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(3) SUPPORT SERVICES

(D) Communications Subprogram

Operating Expenses	<u>1,653,854</u>	<u>1,640,772</u>	<u>(450)</u>	<u>(450)</u>	<u>1,640,322</u>
General Fund	1,653,854	1,640,772	(450)	(450)	1,640,322
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(3) SUPPORT SERVICES

(G) Information Systems Subprogram

Operating Expenses	<u>1,397,957</u>	<u>1,396,609</u>	<u>(200)</u>	<u>(200)</u>	<u>1,396,409</u>
General Fund	1,397,957	1,396,609	(200)	(200)	1,396,409
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

(5) COMMUNITY SERVICES

JBC Staff Supplemental Recommendations - FY 2023-24
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(A) Parole Subprogram

Personal Services	<u>22,038,253</u>	<u>20,596,754</u>	<u>920,472</u>	<u>920,472</u>	<u>21,517,226</u>
FTE	274.5	314.5	11.7	11.7	326.2
General Fund	22,038,253	20,596,754	920,472	920,472	21,517,226
Cash Funds	0	0	0	0	0
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Total for S10 Reverse FAU transfer from Parole to					
Inspector General	144,150,934	144,144,400	(395,600)	(367,894)	143,776,506
FTE	<u>326.3</u>	<u>378.3</u>	<u>(0.9)</u>	<u>(0.9)</u>	<u>377.4</u>
General Fund	141,453,805	141,591,229	(395,600)	(367,894)	141,223,335
Cash Funds	2,697,129	2,553,171	0	0	2,553,171
Reappropriated Funds	0	0	0	0	0
Federal Funds	0	0	0	0	0

Totals Excluding Pending Items					
CORRECTIONS					
TOTALS for ALL Departmental line items	966,441,983	1,083,044,727	15,184,090	5,591,315	1,088,636,042
FTE	<u>5,313.6</u>	<u>6,346.1</u>	<u>(0.9)</u>	<u>(1.7)</u>	<u>6,344.4</u>
General Fund	909,763,327	989,200,125	15,188,953	5,591,315	994,791,440
Cash Funds	29,453,154	45,669,318	(4,863)	0	45,669,318
Reappropriated Funds	26,057,676	44,928,789	0	0	44,928,789
Federal Funds	1,167,826	3,246,495	0	0	3,246,495

APPENDIX B: FTE IN ORIGINAL FY 2023-24 PRISON CASELOAD

The following table was included in the original JBC staff figure setting document for FY 2023-24, dated February 21, 2023.¹⁴ It shows the job classifications and related funding requested by the Department of Corrections for FY 2023-24 in its January 17, 2023 prison caseload budget request. It also shows the job classifications and related funding recommended by JBC staff and approved by the JBC. Both the request and the recommendation reflect an assumed increase of 740 male prison beds.

In short, it shows that JBC staff's recommendation excluded funding for Correctional Officer and Correctional Trades Support Supervisor positions, but included funding for Case Managers and Teachers. This is because the Department was experiencing a severe staff shortage among all job classifications, but especially among correctional officers. Staff thus concluded that that “an appropriation for additional correctional officers would more likely be used for overtime, bonuses, or contracted personal services.” The requested funding for Correctional Officers and Correctional Trades Support Supervisor's was repurposed to provided \$1,000 housing stipends for DOC staff at Limon, Buena Vista, and Sterling. These stipends were aimed at improving staffing levels at those facilities, where staffing shortages were the most severe.

TABLE 5~DOC FTE REQUEST VS. JBC STAFF RECOMMENDATION FOR BA1 PRISON CASELOAD +740 MALE PRISON BEDS					
FACILITY	POSITION	REQUESTED FY24 FTE	REQUESTED FY24 FTE COST	RECOMMENDED FY24 FTE	RECOMMENDED FY24 COST
Limon	Correctional Officer I	10.1	\$856,629	0	0
	Correctional Officer II	4.6	410,386	0	0
	Correctional Officer III	1.8	175,252	0	0
	Case Manager I	1.8	161,859	1.8	128,255
	State Teacher I	0.9	76,009	0.9	59,615
	Subtotal - Limon	19.2	1,680,135	2.7	\$187,870
FACILITY	POSITION	REQUESTED FY24 FTE	REQUESTED FY24 COST	RECOMMENDED FTE	RECOMMENDED COST
Trinidad	Correctional Officer I	11.9	\$951,630	\$0	\$0
	Correctional Officer II	1.8	152,180	0	0
	Correctional Officer III	0.8	73,299	0	0
	Correctional Trades Support Supervisor I	2.8	231,155	0	0
	Correctional Trades Support Supervisor II	0.9	84,426	0	0
	Case Manager I	1.8	168,102	1.8	134,672
	State Teacher I	2.8	267,845	2.8	215,373
	Administrative Assistant III	0.9	64,656	0.9	49,197
	Subtotal - Trinidad	23.7	\$1,993,293	5.5	\$399,242
FACILITY	POSITION	REQUESTED FY24 FTE	REQUESTED FY24 COST	RECOMMENDED FTE	RECOMMENDED COST
Buena Vista	Correctional Officer I	5.1	\$378,665	\$0	\$0
FACILITY	POSITION	REQUESTED FY24 FTE	REQUESTED FY24 COST	RECOMMENDED FTE	RECOMMENDED COST
Delta	Correctional Officer I	1.7	\$137,472	\$0	\$0
	Correctional Officer II	0.8	67,635	0	0
	Correctional Trades Support Supervisor I	4.6	380,542	0	0
	Correctional Trades Support Supervisor II	0.9	84,426	0	0
	Case Manager I	0.8	75,046	0.8	59,855
	Subtotal	8.8	\$745,121	0.8	\$59,855
Total		56.8	4,797,214	9.0	646,967

¹⁴ https://leg.colorado.gov/sites/default/files/fy2023-24_corfig.pdf, page 20 of the PDF, page 17 of the document.