

# MEMORANDUM



## JOINT BUDGET COMMITTEE

TO Members of the JBC  
FROM Steve Allen, JBC Staff (303-866-4961)  
DATE June 20, 2018  
SUBJECT House Bill 18-1132 Reporting

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House Bill 18-1132 (Increase DOC reimbursement to County Jails) by Rep. Michaelson Jenet and Sen. Crowder, despite its name, does not increase the reimbursement rate that the Department of Corrections (DOC) pays to county jails that hold DOC offenders. The name is left over from an earlier version of the bill that doubled the reimbursement rate from the \$54.39 per offender per day that is set in the FY 2017-18 Long Bill and carried a \$15.0 million fiscal note. A House Judiciary Committee amendment eliminated the rate increase and substituted a requirement that counties annually report to the JBC on the average cost for housing DOC inmates in their jails. The bill requires the JBC to establish reporting guidelines for jails by September 1, 2018. The reports must include costs for:

- food;
- clothing and laundry;
- medical and behavioral health care costs;
- personnel costs, including salaries and benefits;
- inmate transportation costs; and
- vocational training and educational costs.

These reports are due to the JBC by January 1, 2019, and each January 1 thereafter.

House Bill 18-1132 came out of hearings held during the summer of 2017 by the County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee. The bill seeks to address part of a data gap that was discussed by the interim committee: the lack of a statewide database containing information on jail population, capacity, costs, sentencing, and other matters. In the absence of a statewide database, Colorado Counties, Inc. (CCI) surveyed counties in the spring of 2017 about a number of issues. It received responses from 20 out of 64 counties it contacted, a response rate of 31 percent.

### **Background on DOC Offenders in Jail**

The DOC uses jails to hold inmates and hold parolees. Immediately after being sentenced to prison by a court, an offender becomes a DOC inmate but may not be delivered to the Department for a while. Three days after the offender is placed in jail following sentencing, the DOC must start paying the jail for holding the inmate with the resulting bill paid from the external capacity appropriation for jails in the Long Bill, which for FY 2018-19 equals \$13,413,234 General Fund. The FY 2018-19 Long Bill also sets the daily DOC reimbursement rate for jails at \$54.93.

In years past, DOC has relied on county jails to hold offenders on a contract basis. Over the years it has had contracts with the Washington, Fremont, and Park county jails. The Department's May population report shows no DOC inmates in county jail on a contract basis. Inmates can also wind up in jail when they are transitioning to the community through Community Corrections or the ISP-Inmate program and are revoked. These inmates are typically taken to jail and then shipped back to DOC. The Department will start paying the jail if the revoked inmate stays longer than 72 hours. The number of inmates in jail backlog has varied a great deal in recent years. It reached a peak of 922 in Aug. 2013 and dipped below 200 last September. The May monthly report shows 318 jailed inmates.

Jails also hold DOC parolees who violated their terms of parole and have been taken to jail by a parole officer, either as a prelude to a revocation hearing with the Parole Board or for a remedial stay at the jail that can vary substantially in length. The number of parolees in Colorado county jails at the end of May 2018 equaled 1422. The rules governing DOC payments for parolees in county jails are complicated.

### **Report Timing difficulties**

The reports from Jails are due to the JBC by January 1, 2019, and each January 1 thereafter. This date will prove challenging for the JBC corrections analyst, who will receive the report at approximately the same time supplementals are being delivered. The analyst may have little time to compile the data, check with jails regarding missing and ambiguous information, and analyze the results.

The January 1 reporting date also presents challenges for jails. County budgets are on a calendar year basis and figures on actual jail costs will typically not be ready until late January at the earliest. Hence jails will have to report costs that are a year old, or will have to report estimated costs for the year that is just ending. Since the bill contains no carrot or stick to encourage reporting, staff expects the response rate over the holiday season to be low.

This is not the proper venue in which to recommend a bill to the Committee, but the corrections analyst may want to talk to the Committee next fall about a short bill to change reporting date,

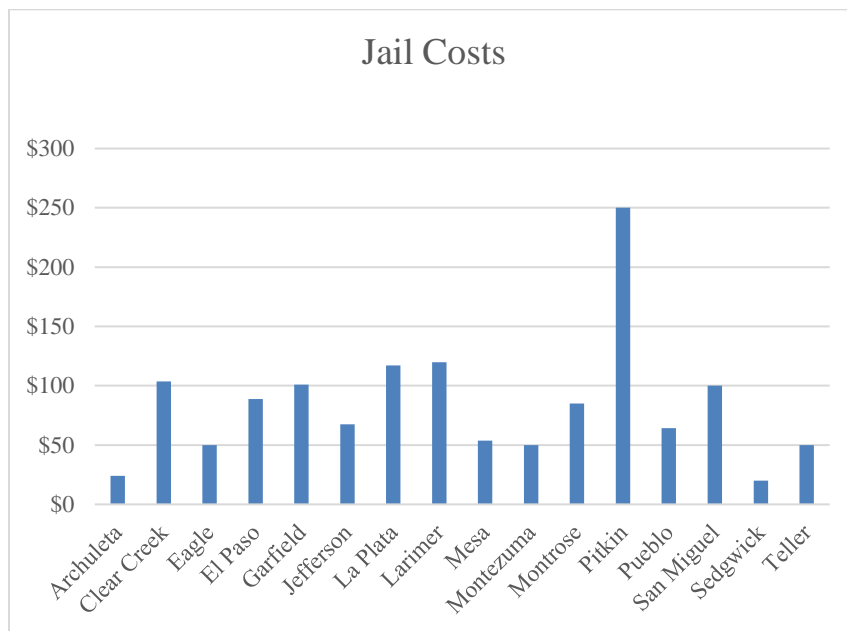
### **Prior jail cost surveys**

Prior Colorado jail costs surveys have revealed a wide variety of costs. The following data from Legislative Council Staff was gathered over several years.

<b>County Jail Bed and Cost Data</b>			
<b>County</b>	<b>Daily Bed</b>		<b>Year of Cost Data</b>
	<b>Cost</b>	<b>Number of Beds</b>	
Archuleta	24.00	8	2017
Clear Creek	103.62	Not provided	2017
Eagle	50.00	114	2017
El Paso	88.72	1753	2014
Garfield	100.97	Not provided	2017
Jefferson	67.52	1326	2016

County Jail Bed and Cost Data			
County	Daily Bed	Number of Beds	Year of Cost Data
	Cost		
La Plata	117.00	Not provided	2016
Larimer	119.89	617	2015
Mesa	53.60	440	2017
Montezuma	50.00	Not provided	2017
Montrose	85.00	135	2017
Pitkin	250.00	22	2017
Pueblo	64.23	509	2016
San Miguel	100.00	Not provided	2016
Sedgwick	20.00	Not provided	2017
Teller	50.00	Not provided	2017

The following chart shows the huge variance in this data.



When the County Sheriffs of Colorado gathered information about average jail costs several years ago they discovered an equally wide variance. Further inquiry revealed vast difference is the way that costs were measured.

**An internet-based survey**

This staff member proposes to conduct a preliminary internet-based survey over the summer using Google Forms or a similar program that presents respondents with a form that can be filled out online. The Google Forms survey tool will automatically enter responses in a spreadsheet, which substantially reduces data-gathering time. The form will ask for the information specified in the bill:

- food;
- clothing and laundry;

- medical and behavioral health care costs;
- personnel costs, including salaries and benefits;
- inmate transportation costs; and
- vocational training and educational costs.

The survey form will specify that reported average costs are to reflect the costs the jail incurs for DOC offenders, rather than costs for average offenders. Transportation costs should, for example, include the average cost to the jail of transporting a DOC offender to the Denver Reception and Diagnostic Center. Staff expects that jails will have a hard time measuring the cost of benefits for their employees. Staff also expects vocational and education costs to be minimal for DOC offenders. Staff plans to initially exclude capital costs, which can be difficult to measure.

Staff will obtain contact information from the County Sheriffs of Colorado and the Colorado Jail Association. Email addresses and usernames and passwords will be sent to selected respondents.