

Department of Corrections
SB 19-207
Long Bill Footnotes and Request for Information Report 2019-20

Footnote # Statement

1 Department of Corrections, Management, External Capacity Subprogram, Payments to House State Prisoners – The Department of Corrections is authorized to transfer up to 5.0 percent of the total appropriation for the external capacity subprogram between line items in the external capacity subprogram for purposes of reimbursing local jails and private prison providers. **The Department complies with this footnote request and provides the following summary information of transfers made within the line items of the External Capacity Subprogram, Payments to House State Prisoners appropriation during FY 2018-19:**

<u>Transferred Line Item</u>	<u>Amount</u>
Payments to Local Jails	(\$413,799)
Payments to In-State Private Prisons	(\$1,258,586)
Payments to Pre-Release Parole Revocation Facilities	<u>\$1,672,385</u>
 Total amount transferred within the External Capacity Subprogram funding lines	 \$1,672,385
 Total amount of the External Capacity Subprogram, Payments to House State Prisoners Appropriation	 \$93,060,790
 5.0% Transfer Authority	 \$4,653,040
Amount Transferred in FY 2017-18	\$1,672,385
Percent of Amount Transferred to Total	1.8%

2 Department of Corrections, Institutions, Housing and Security Subprogram, Personal Services – The amount appropriated in this line item does not include the \$10,584,303 of FY 2019-20 General Fund appropriations for the Department of Corrections set forth in sections 111 and 114 through 126 of Title 17, Article 18, C.R.S. In calculating the amount appropriated in this line item, it is assumed that these statutory appropriations will be used for the same line item. **The Department utilized the funds as stated in this footnote request.**

3 Department of Corrections, Community Services, Parole Subprogram, Work Release Program – This appropriation remains available for expenditure until the close of the 2020-21 state fiscal year. **The Department intends to utilize the funds as stated in this footnote request.**

3a Department of Corrections, Canteen Operation, Operating Expenses – It is the General Assembly’s intent that a portion of the funding for operating expenses be used to purchase

soft-soled tennis shoes for inmates with diabetes. **The Department intends to satisfy the intent of footnote 3a, which is to provide soft-soled tennis shoes for inmates with diabetes. However, based on a number of factors, the Department may not use a portion of the Canteen Operations line to make these purchases as specified in the footnote. The Department has entered into a settlement agreement in the case of Montez v. Hickenlooper, et al. This settlement, signed by both parties in May of 2019, requires that the plaintiff's attorney, in partnership with non-profit organizations, provide soft-soled tennis shoes to the Department to distribute to inmates with diabetes. Direct compliance with this footnote would take the Department out of compliance with the settlement agreement reached in the Montez lawsuit. As stated previously, it is the Department's intent that all inmates with diabetes in need of soft-soled tennis shoes will receive them, either through this agreement, with shoes provided by plaintiff's counsel, or if the offender has a medical need for them, then through Medical Services. The Department is statutorily required to provide medical services to inmates under their jurisdiction; the purchase of any medically required, soft-soled tennis shoes for inmates with diabetes falls under this purview and is a cost that would normally be covered by the Purchase of Medical Services line item. Further, both the Canteen Operations line item and the Purchase of Medical Services line item are for the benefit of all offenders under the Department's jurisdiction, and a special carve-out for a certain subsection of offenders, however agreeable the intent may be, sets a new precedent.**

Request for Information # Statement

Requests Affecting Multiple Departments:

RFI #2 **Department of Corrections; Department of Human Services; Judicial Department; Department of Public Safety; and Department of Transportation --** State agencies involved in multi-agency programs requiring separate appropriations to each agency are requested to designate one lead agency to be responsible for submitting a comprehensive annual budget request for such programs to the Joint Budget Committee, including prior year, request year, and three year forecasts for revenues into the fund and expenditures from the fund by agency. The requests should be sustainable for the length of the forecast based on anticipated revenues. Each agency is still requested to submit its portion of such request with its own budget document. This applies to requests for appropriation from: the Alcohol and Drug Driving Safety Program Fund, the Law Enforcement Assistance Fund, the Offender Identification Fund, the Persistent Drunk Driver Cash Fund, and the Sex Offender Surcharge Fund, among other programs. **The Sex Offender Surcharge Funds and Correctional Treatment Funds are tracked by the Judicial Department. The Department reports the total Colorado Mental Health Institute at Pueblo (CMHIP) expenditures for Youthful Offender System (YOS), San Carlos Correctional Facility (SCCF), and La Vista Correctional Facility (LVCF) in its November 1 budget submission.**

RFI #10 **Department of Corrections, Management; and Institutions; Department of Higher Education, Governing Boards, Regents of the University of Colorado; and**

Department of Human Services, Office of Behavioral Health, Mental Health Institutes -- The Departments are requested to work together to explore strategies to increase the ability of the Department of Human Services and the Department of Corrections to recruit and retain the most competent and desirable candidates to provide psychiatric care at the Mental Health Institutes and state prison facilities. These strategies may include, but not be limited to: Expanding the academic affiliation with the University of Colorado School of Medicine to include an option for academic promotion, teaching, and research opportunities for psychiatrists recruited to the Mental Health Institutes and the Department of Corrections in an effort to benefit all, and to evaluate additional opportunities for medical student and resident clinical experiences in state psychiatric and correctional facilities; increasing the utilization of tele psychiatry; and improving collaboration between the University of Colorado School of Medicine Department of Psychiatry, the Mental Health Institutes, and the Department of Corrections in recruiting, hiring, and retaining qualified psychiatrists with forensic and correctional expertise. The Department of Human Services is requested to submit a report by April 1, 2020, describing the status of these discussions, any plans to implement new recruitment and retention strategies, the estimated fiscal impact of implementing such strategies, and any potential actions the General Assembly should consider taking to support successful implementation of such strategies. **The Department intends to comply with this request for information and collaborate with the Departments of Higher Education and Human Services, to include providing the necessary data to the Department of Human Services for inclusion in the April 1, 2020 report.**

Department of Corrections

- RFI # 1 Department of Corrections, Institutions, Mental Health Subprogram** – It is requested that the Department submit a report to the House Judiciary Committee and the Senate Judiciary Committee by January 31, 2020, detailing the progress related to the mental health unit at Centennial Correctional Facility. **The Department will comply with this request for information and will provide the requested report to the House and Senate Judiciary Committees by January 31, 2020.**
- RFI # 2 Department of Corrections, Community Services, Work Release Program** – It is requested that the Department of Corrections submit a report to the Joint Budget Committee by November 1 of each year detailing progress related to the work release program. **The intent of the Work Release Program, also known as Take TWO (Transitional Work Opportunity), is to provide eligible offenders the opportunity to obtain gainful employment earning prevailing wages prior to release from their prison sentences. Such employment would benefit offenders by allowing for procurement of income to secure housing and other needs upon release, as well as teaching valuable job skills that can transfer to gainful employment post-incarceration. The combination of these factors is intended to result in a higher likelihood that offenders will succeed in society upon release, thus reducing the rate of return to prison.**

Since the funding authorization for the work release program was granted so recently (July 1, 2019), the evolution of the program is still in its infancy. The Department has been engaging with both internal and external stakeholders to ensure the development of specific programs meets the overall intention of Take TWO within the boundaries of current statute. During October 2019, an employer will be hiring the first six offenders for this program, with a starting pay of \$16 per hour. The employer intends to increase the number of employed offenders to 20-25. In addition, modifications using offender labor are being made to the previous Boot Camp building at the Buena Vista Correctional Facility. The modified building is now known as the Transitional Work Center and will house the offenders that participate in similar transition programs being developed with local employers.

As the Department further implements programs under the Take TWO initiative going forward, the Department will provide a full status report to the Joint Budget Committee each November 1 as requested.