Non-prioritized Interim Supplemental Requests

NON-PRIOITIZED INTERIM SUPPLEMENTAL #1, FUGITIVE UNIT

	Request	Recommendation
Total	**$976,449**	**$915,293**
FTE	6.7	6.7
General Fund	976,449	915,293

Does JBC staff believe the request satisfies the interim supplemental criteria of Section 24-75-111, C.R.S.? [The Controller may authorize an overexpenditure of the existing appropriation if it: (1) Is approved in whole or in part by the JBC; (2) Is necessary due to unforeseen circumstances arising while the General Assembly is not in session; (3) Is approved by the Office of State Planning and Budgeting (except for State, Law, Treasury, Judicial, and Legislative Departments); (4) Is approved by the Capital Development Committee, if a capital request; (5) Is consistent with all statutory provisions applicable to the program, function or purpose for which the overexpenditure is made; and (6) Does not exceed the unencumbered balance of the fund from which the overexpenditure is to be made.]	**YES**
Does JBC staff believe the request meets the Joint Budget Committee's supplemental criteria? [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 unforseen contingency.]	**YES**
JBC staff and the Department agree that (1) this request meets the interim supplemental criteria of Section 24-75-111, C.R.S., and (2) 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 $976,449 General Fund and 6.7 FTE in FY 2013-14 for the creation of a fugitive unit that will recover parolees who have absconded. The Department's request annualizes to $946,974 General Fund and 10.0 FTE in FY 2014-15.

Staff Recommendation: Staff recommends that the Committee approve an appropriation of $915,293 General Fund and 6.7 FTE for FY 2013-14. This annualizes to $854,546 General Fund and 10.0 FTE in FY 2014-15.

The rules governing interim supplementals in Section 24-75-111 (5), C.R.S., require the Committee to introduce all interim supplementals that it approves.

Staff Analysis: Following the murder of Department of Correction's Executive Director Tom Clements in March 2013, a series of news stories and editorials have focused on the following issues related to Colorado's parole system:

- The premature release of incarcerated offenders to parole.
- The problems presented by parolees who abscond (i.e. escape).

- Crimes committed by parolees, particularly those who abscond.
- The length of time it takes to apprehend parolees who abscond.
- Parolee ankle monitors that generate large numbers of tamper alerts, indicating possible escape. Many are false alarms.
- Slow responses by parole officers when ankle bracelets worn by offenders generate alerts.
- Caps that may have been placed on parolee enrollment in the Department's Intensive Supervision Program for Parolees (ISP) in response to funding limits. According to news reports, these caps may have led the Department to place some offenders on regular parole who would have been placed on ISP parole in the absence of a cap.

The General Fund roll forward to FY 2013-14. After figure setting, but before the Long Bill was introduced, the Committee approved a roll forward that allows the Department to expend $500,000 of its FY 2012-13 parole personal-services appropriation in FY 2013-14. The Department will use this General Fund roll forward during FY 2013-14 to conduct monthly absconder round ups and to shorten the response time for ankle-bracelet tamper alerts. Roundups, which are usually conducted on weekends or at night, are a proven method of apprehending absconders and increased roundups are expected to reduce the average amount of time that absconders remains at large. The Department hopes that a faster response to tamper alerts will also reduce the absconder population. In early April, the Department adopted a mandatory two hour response-time for investigation of all tamper alerts. During traditional hours, parole officers respond to alerts for their existing caseloads. During non-traditional hours, parole officers, on a rotating basis, staff two-member teams that respond to alerts. The roll forward will pay sixteen officers $225 per week to provide this coverage in addition to their normal daily caseload responsibilities.

The current supplemental request furthers the department's efforts to reduce the absconder population by establishing a full-time fugitive unit within the Parole Office that will focus on absconders.

What will the unit do? The Department proposes the creation of a specialized fugitive unit made up of Community Parole Officers that would be assigned to apprehend offenders who have (1) absconded from parole supervision, (2) walked away from community corrections centers, or (3) walked away from the Department's intensive supervision program for inmates (a program that allows offenders in community corrections to transition to independent living in the community prior to parole). The Department expects the fugitive unit to reduce the number of fugitives by a quarter. This would mean, for example, that the percentage of parole fugitives, which currently equals about 7.2 percent of the parole population, would decline to 5.4 percent. The Department notes that other states with fugitive units have reduced their fugitive populations by more than a quarter; Kansas, for example, reduced its absconder population by three-quarters over the course of a decade.

The Department requests funding for a 10-member fugitive unit that will operate in all areas of the state. The unit will be comprised of one supervisor and nine community parole officers. Because of the challenges unit members will face, the Department wants to staff the unit with experienced parole officers. The unit would be organized in October 2013, meaning that its

members would be paid for eight months of work during FY 2013-14 due to the pay day shift, which equates to 10 * 8/12 = 6. 7 FTE for the first year.

The job duties of the nine fugitive officers will include reviewing cases to develop leads, advising the public about fugitives, responding quickly to information about a fugitive's current location, developing safe and effective fugitive apprehension plans, creating detailed operational plans, conducting surveillance activities on a few high-risk cases, and tracking outcomes.

The Department emphasizes that this unit will supplement the absconder recovery activities that are to be financed by the roll-forward of FY 2012-13 spending authority, as discussed above.

Benefits for the entire parole office. The Department also emphasizes that the fugitive unit is likely to result in enhanced parole supervision for offenders who do not abscond. Currently offenders who abscond remain on their parole officer's caseload until they are arrested. A fugitive unit will relieve parole officers of some of this work and will allow them to focus a greater portion of their time on their non-absconder caseloads, allowing added time for in-home visits, pre-parole investigations, work with employers on behalf of parolees, and offender contact. The Department hopes that this will increase the number of offenders who succeed on parole.

Size of the Fugitive Unit. The Department does not explain how it chose 10 employees as the appropriate size for its fugitive unit, but information supplied by the Department suggests that this number roughly accords with the size of fugitive units in some other states, adjusting for population. The following table compares the number of FTE for Colorado's proposed unit with the size of fugitive units elsewhere.

State	a. State population (in millions)	b. FTE in Fugitive Unit	FTE per million state population (=b/a)
Washington	6.9	26.0	3.77
Iowa	3.1	8.0	2.58
Nevada	2.8	6.0	2.14
Colorado request	5.2	10.0	1.92

Adjustment to personal services calculation. JBC staff believes that 10.0 FTE is a reasonable number of employees for the new unit and agrees with the Department's statement that the unit should be staffed with experienced parole officers, rather than new hires. However, staff does not agree with the Department's personal services calculations, which multiply the number of community parole officers in the new unit by the midpoint of the community-parole-officer salary range. When the Department creates the fugitive unit, it will move experienced officers into the unit and replace those officers with new hires. The cost of adding the fugitive unit is thus equal to the cost of the new hires plus any premium that the Department must pay to induce existing employees to move to the new unit and subsequently remain in their new jobs. Staff recommends an appropriation based on (1) salaries for the new hires that equal to the minimum of the salary range, plus (2) a salary premium equal to one quarter of the salary range for the experienced officers who join the new unit. The staff recommendation reflects this adjustment.

The impossible-to-forecast impact on the inmate population: In addition to the direct costs of operating the fugitive unit, there are likely to be other difficult-to-forecast changes to the Department's expenditures. For example, there has been a steady stream of negative publicity concerning the parole program since early April. This negative publicity could conceivably affect the decisions of parole board members, who are not subject to the Department's control. Out of concern that insufficient efforts are being made to apprehend absconders, board members might grant fewer discretionary paroles, thus increasing the prison population relative to what it otherwise would have been. This may have occurred in May, when the number of discretionary parole releases declined by 75, the largest month-to-month decline in two years. During May the ratio of mandatory to discretionary parole also reached its highest level since August 2012. Coincidentally, the Department's total inmate population rose by 57 during May, ending a string of month-to-month population declines that has lasted two years. However it is too soon to know whether this is a trend. A new fugitive unit could conceivably reassure the board and lead to more discretionary paroles.

In the short run, more fugitive recaptures will increase the populations in prison, jail and community return to custody facilities by a difficult-to-forecast amount, but, in the long run, returns to prison could decline as parolees learn that they are more likely to be apprehended when they run. In addition, parole officers, now relieved of some of their absconder duties, will be able to devote more time to their caseloads of non-abscounders, possibly leading to fewer parole failures.

It is also important to note that almost all fugitives are ultimately recaptured under the Department's current procedures. In most cases, enhanced recovery efforts simply shorten the average amount of time offenders remain at large until capture, moving forward a capture that otherwise would have occurred later.