

Judicial Branch FY 2009 Change Request

| Schedule 13 | | | | | | | |
|--|--------------|--------------------------------------|------------------------|-----------------------|--|-----------------------------|------------------------|
| Request Title: | | Decision Item FY 08-09 X | | | Base Reduction Item FY 08-09 | | |
| Department: | | Regular Probation Officers and Staff | | | Judicial Branch | | |
| Priority Number: | | 2 | | | Dept. Approval by:  OSPB Approval: N/A | | |
| | Fund | 1 | 2 | 5 | 6 | 7 | 10 |
| | | Prior-Year Actual FY 06-07 | Appropriation FY 07-08 | Base Request FY 08-09 | Decision/ Base Reduction FY 08-09 | November 1 Request FY 08-09 | Outyear Costs FY 09-10 |
| Total of All Line Items | Total | 56,604,362 | 63,859,572 | 89,685,370 | 3,312,555 | 92,997,925 | 3,327,892 |
| | FTE | 835.7 | 1,081.0 | 1,081.0 | 50.4 | 1,131.4 | 50.4 |
| | GF | 52,658,751 | 54,563,496 | 77,640,843 | 3,312,555 | 80,953,398 | 3,327,892 |
| | CF | 3,945,611 | 9,296,076 | 12,044,527 | - | 12,044,527 | - |
| Probation Services | Total | 54,399,088 | 60,889,030 | 66,489,381 | 2,584,424 | 69,073,805 | 2,819,374 |
| Personal Services | FTE | 835.7 | 1,081.0 | 1,081.0 | 50.4 | 1,131.4 | 50.4 |
| | GF | 50,571,080 | 52,000,053 | 57,176,578 | 2,584,424 | 59,761,002 | 2,819,374 |
| | CF | 3,828,008 | 8,888,977 | 9,312,803 | - | 9,312,803 | - |
| Operating | Total | 2,081,402 | 2,588,978 | 2,588,978 | 98,280 | 2,687,258 | 98,280 |
| | GF | 1,963,799 | 2,181,879 | 2,181,879 | 98,280 | 2,280,159 | 98,280 |
| | CF | 117,603 | 407,099 | 407,099 | - | 407,099 | - |
| Capital Outlay | Total | 123,872 | 381,564 | - | 224,832 | 224,832 | - |
| | GF | 123,872 | 381,564 | - | 224,832 | 224,832 | - |
| Special Purpose | Total | - | - | 16,310,101 | 347,587 | 16,657,688 | 347,587 |
| Health/Life/Dental | GF | - | - | 14,411,739 | 347,587 | 14,759,326 | 347,587 |
| | CF | - | - | 1,898,362 | - | 1,898,362 | - |
| Special Purpose | Total | - | - | 237,270 | 3,011 | 240,281 | 3,284 |
| Short Term Disability | GF | - | - | 214,098 | 3,011 | 217,109 | 3,284 |
| | CF | - | - | 23,172 | - | 23,172 | - |
| Special Purpose | Total | - | - | 3,093,059 | 37,052 | 3,130,111 | 40,421 |
| Amortization Equal. Disb. | GF | - | - | 2,785,942 | 37,052 | 2,822,994 | 40,421 |
| | CF | - | - | 307,117 | - | 307,117 | - |
| Special Purpose | Total | - | - | 966,581 | 17,369 | 983,950 | 18,946 |
| Supplemental Amortiz. Equalization Disb. | GF | - | - | 870,607 | 17,369 | 887,976 | 18,946 |
| | CF | - | - | 95,974 | - | 95,974 | - |
| Letternote revised text: | | N/A | | | | | |
| Cash Fund name/number, Federal Fund Grant name: | | | | | | | |
| IT Request: | | Yes No X | | | | | |
| Request Affects Other Departments: | | Yes No X | | | | | |

Request Summary

The Judicial Department is requesting funding for 35.5 additional regular probation officers plus associated support staff to improve results and further reduce the number of revocations and subsequent DOC sentences due to technical violations and absconding.

General Description of Request

In determining the need for probation officers, the Colorado Judicial Branch employs a workload model that differentiates the amount of time necessary to prepare pre and post sentence investigations and reports and supervise offenders based on the assessed risk level in each case type (regular adult and juvenile, domestic violence, juvenile sex offenders and non-Sex Offender Intensive Supervision Probation adult sex offenders).¹ The total of the time values representing the work necessary to complete investigations and reports and to provide supervision is used to derive the FTE need. Specialized programs for the highest risk cases are not included in these calculations because each program has a prescribed number of cases to officer ratio (capped caseload). Based on this methodology, Regular probation in Colorado is currently staffed at 81.2% of full staffing, indicating a need for approximately 209 additional probation FTE.

Probation Workload and Staffing,^a FY2004-05 to FY 2011-12 (est)

| | FY 04-05 | FY 05-06 | FY 06-07 | FY 07-08 (est.) | FY 08-09 (est.) | FY 09-10 (est.) | FY 10-11 (est.) | FY 11-12 (est.) |
|----------------------------|-----------------|-----------------|-----------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| Staffed Cases ^b | 60,163 | 56,088 | 60,464 | 70,406 | 73,614 | 76,979 | 80,509 | 84,212 |
| PSI's ^b | 23,846 | 25,861 | 24,896 | 49,279 | 49,771 | 50,267 | 50,769 | 51,276 |
| FTE Need | 794.5 | 904.3 | 923.0 | 1,100.0 | 1,138.0 | 1,178.0 | 1,220.0 | 1,264.0 |
| FTE Approp ^a | 616.0 | 678.0 | 699.0 | 893.0 | 943.0 | 1,023.0 | 1,103.0 | 1,183.0 |
| Percent Full Staffing | 77.5% | 75.0% | 75.7% | 81.2% | 82.9% | 86.8% | 90.4% | 93.6% |

^a For FY 2008-09, the FTE appropriation assumes funding of the decision item as requested, which would provide 48.8 additional probation staff. For FY 2008-09 and beyond, the appropriation assumes an additional 80.0 FTE per year as outlined in the Department's Five- Year Plan.

^b The significant increase in Staffed Cases and PSIs from FY06-07 to FY07-08 is due to the integration of the Alcohol/Drug Driving Safety(AADS) program into the staffing model.

In order to more nearly meet the workload demands, while at the same time considering budgetary constraints, the Branch is requesting an additional 35.5 regular probation officers plus associated staff.² This represents an incremental step towards achieving the goals set out in the five-year plan for full staffing.

An analysis of data from FY 2002 through FY 2007 reflects a primary area of concern for the probation department is the limited ability to effectively employ intermediate sanctions in

¹ The workload value reflects the average amount of time required to complete the average activities required to supervise each case or complete each report.

² Supervisory and clerical staff is requested using a probation officer staff ratio of 4:1 for clerical and a combined probation officer and clerical staff ratio of 8:1 for supervisors. Additionally, Human Resources and Information Technology support staff are requested at a ratio of 1:82 and 1:50 to new FTE to properly reflect the complete cost of staff resources.

response to offender technical violations or to spend time locating and recovering offenders that abscond from supervision.

FY02-06: Adult and Juvenile Tech. Violation and Absconder Revocations and Commitment Rates

| | FY01-02 | FY02-03 | FY03-04 | FY04-05 | FY05-06 | FY06-07 |
|--------------------------------------|---------|---------|---------|---------|---------|---------|
| Adult Tech. Viol. Revocations | 1,356 | 1,560 | 1,658 | 1,576 | 1,786 | 1,829 |
| Absconders | 2,663 | 3,205 | 3,799 | 3,537 | 3,238 | 3,197 |
| Commitment rate | 28.7% | 26.2% | 26.1% | 25.4% | 22.4% | 19.1% |
| DOC beds | 1,153 | 1,248 | 1,424 | 1,299 | 1,125 | 960 |

| | | | | | | |
|-------------------------------------|-------|-------|-------|-------|-------|-------|
| Juv. Tech. Viol. Revocations | 720 | 863 | 898 | 942 | 823 | 685 |
| Absconders | 343 | 382 | 400 | 411 | 394 | 310 |
| Commitment Rate | 38.5% | 46.0% | 45.0% | 41.7% | 39.8% | 39.8% |
| DYC Placements | 409 | 573 | 584 | 564 | 484 | 396 |

Source: FY02-06 Annual Statistical Reports and Annual Recidivism Footnote Reports

Judicial is taking steps to improve results with existing resources. With the funds available in the Offender Treatment and Services line and the new funding available under SB03-318 probation is able to offer added treatment for indigent offenders when treatment resources are available in the community. Probation Services is also reviewing and applying Evidence Based research to ensure good return on investment; training on Motivation Interviewing and Relapse prevention (which have been linked to success) have been upgraded for delivery to field probation officers. Despite these initiatives, due to the current limited level of staffing, probation officers do not have adequate time to fully utilize intermediate sanctions and monitor their effectiveness.³ The average caseload size on regular probation particularly in adult probation is too large to allow for full use of intermediate sanctions. Instead, for public safety reasons, the filing of a motion to revoke probation has become the default response resulting in a significant number of cases being sentenced to DOC or DYC. Revocations based on technical violations usually occur after the offender has engaged in a series of rule violations, such as failure to report, comply with treatment or testing positive for drug use. The same patterns of non-compliance also often precede an offender absconding from supervision. These occurrences are viewed as indicators of increased risk and require the application of intermediate sanction responses designed to interdict the behavior of the offender in order to protect public safety and to deliver a consequence for the violation. Intermediate sanctions are intended to cause the offender to come back into compliance with the court's orders and are designed to respond any underlying cause for the violations. Since technical violations are, in many cases, precursor behavior to the commission of new crime it is likely that efforts to reduce revocations due to technical violations will directly reduce repeat adult and juvenile offenders from committing new crimes. Absent sufficient regular probation staff to appropriately manage offenders at the beginning of their sentence it is unlikely that the incidence of technical violation or absconder revocations can be significantly reduced.

One intermediate sanction option available to probation officers is to seek a revocation and request a modification of sentence to allow for the placement of the offender into a specialized

³ Examples that require court authorization are the use of electronic monitoring, GPS monitoring, additional useful public service and jail sentences. Examples that do not require court attention are increased levels of supervision and reporting, new treatment or adjustments to treatment intensity, curfews, increased drug testing and home visits. All of these activities require additional time for monitoring and responses to violations.

adult or juvenile intensive supervision program (ISP). These programs have been developed at the request of the General Assembly as an alternative to the use of more expensive correctional alternatives. The goal is to increase the level of supervision and monitoring, coupled with the provision of appropriate treatment and service resources to restore the offender to a sufficient level of stability such that they can again be successfully supervised on regular probation. This practice accounts for approximately 50 percent of the total placements in specialized programs. The difficulty with increased use of this option is that specialized program staff are a fixed and limited resource with capped caseloads resulting in limited access to this resource.

In addition, several studies⁴ have shown that a reduction in the caseload size for high-risk offenders in conjunction with treatment intervention reduces the recidivism and technical violation rate.

In the Maryland Proactive Community Supervision (PCS) program, moderate and high risk probationers and parolees were supervised in reduced caseloads of 55 (compared with the normal 100), according to an evidence-based model of intervention. The evaluation included 274 randomly selected cases for PCS, matched with 274 cases supervised under the traditional model (non-PCS). The results reveal that the PCS cases had significantly lower rearrest rates (32.1% for PCS vs. 40.9% for non-PCS) and significantly lower technical violation rates (20.1% for PCS vs. 29.2% for non-PCS).

Second, in Connecticut, probationers at risk of violation and offenders being released from prison were supervised in caseloads of 25, also according to an evidence-based model of intervention. The evaluation results showed that both programs were able to reduce the rate of technical violations among the probationers, most dramatically among those who were failing under regular supervision and were referred to a special unit for supervision. This group's violation rate was 30% but was expected to be 100%, as the offenders were on the verge of being violated before they were placed in the program.

Independent of specialized programs, adequate resources for regular supervision must be in place to efficiently and effectively handle the bulk of offenders at that level.

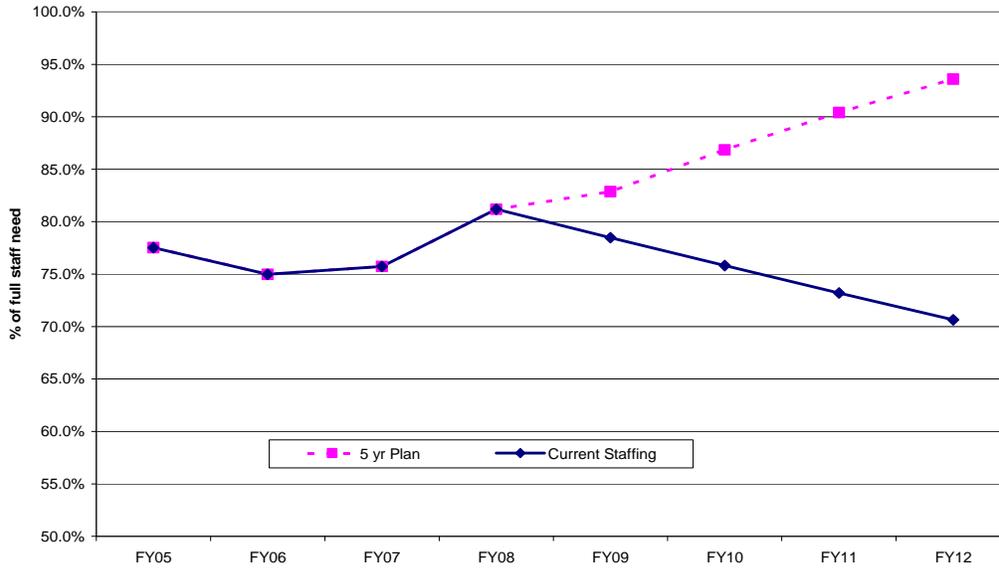
Consequences if Not Funded

Without these resources, and future officers to keep up with caseload growth, staffing level would drop to 70% of need within 5 years. [See chart below]

Ultimately, understaffing in probation results in increased public risk, increased levels of failure and increased numbers of commitments to DOC and DYJ at a substantial cost to the state. The rising prison population has pushed the state to a serious breaking point. Absent an appropriate allocation of resources to deal with the present caseload, the rising prison population and its associated costs are bound to continue.

⁴ Burrell Bill. (2006) Caseload Standards for Probation and Parole. Paper issued by The American Probation and Parole Association

Probation Officer Staffing



Calculations for Request

| PERSONAL SERVICES CALCULATIONS | | | | | | | | |
|-----------------------------------|----------|-------------------|------------------|------------|------------|----------------|-------------|-------------|
| | | | | | | | GRAND TOTAL | |
| | | FY 08-09 | FY 08-09 | FY 08-09 | FY 08-09 | FY 08-09 | FY 08-09 | FY 09-10 |
| | | Probation Officer | Support Services | Supervisor | HR Analyst | Computer Tech. | | |
| PERSONAL SERVICES | | | | | | | | |
| Number of PERSONS / class title | | 35.50 | 7.90 | 5.40 | 0.60 | 1.00 | 50.40 | 50.40 |
| Monthly base salary | \$ | 4,141 | 2,386 | 7,027 | 4,593 | 3,970 | | |
| Number months working in FY 08-09 | | 11 | 11 | 11 | 11 | 11 | | |
| Salary | | \$1,617,061 | \$207,343 | \$417,404 | \$30,314 | \$43,670 | \$2,315,792 | \$2,526,318 |
| PERA | 10.15% | \$164,132 | \$21,045 | \$42,366 | \$3,077 | \$4,433 | \$235,053 | \$256,422 |
| AED | 1.60% | \$25,873 | \$3,317 | \$6,678 | \$485 | \$699 | \$37,052 | \$40,421 |
| SAED | 0.75% | \$12,128 | \$1,555 | \$3,131 | \$227 | \$328 | \$17,369 | \$18,946 |
| Medicare | 1.45% | \$23,447 | \$3,006 | \$6,052 | \$440 | \$633 | \$33,578 | \$36,633 |
| Health/Life/Dental | 6.684 | \$240,637 | \$53,475 | \$40,106 | \$6,684 | \$6,684 | \$347,587 | \$347,587 |
| Short-Term Disability | 0.13% | \$2,102 | \$270 | \$543 | \$39 | \$57 | \$3,011 | \$3,284 |
| Subtotal Personal Services | | \$2,085,380 | \$290,011 | \$516,280 | \$41,267 | \$56,504 | \$2,989,441 | \$3,229,611 |
| OPERATING | | | | | | | | |
| Supplies | \$ 500 | \$17,750 | \$3,950 | \$2,700 | \$300 | \$500 | \$25,200 | \$25,200 |
| Travel | \$ 1,000 | \$35,500 | \$7,900 | \$5,400 | \$600 | \$1,000 | \$50,400 | \$50,400 |
| Telephone | \$ 450 | \$15,975 | \$3,555 | \$2,430 | \$270 | \$450 | \$22,680 | \$22,680 |
| Subtotal Operating | | \$69,225 | \$15,405 | \$10,530 | \$1,170 | \$1,950 | \$98,280 | \$98,280 |
| CAPITAL OUTLAY | | | | | | | | |
| Computer | \$ 900 | \$0 | \$7,110 | \$0 | \$0 | \$0 | \$7,110 | |
| Laptop | \$ 1,500 | \$53,250 | \$0 | \$8,100 | \$900 | \$1,500 | \$63,750 | |
| Office Suite Software | \$ 330 | \$11,715 | \$2,607 | \$1,782 | \$198 | \$330 | \$16,632 | |
| Office Equipment | \$ 2,225 | \$78,988 | \$17,578 | \$12,015 | \$1,335 | \$2,225 | \$112,140 | |
| Printer | \$ 500 | \$17,750 | \$3,950 | \$2,700 | \$300 | \$500 | \$25,200 | |
| Subtotal Capital Outlay | | \$161,703 | \$31,245 | \$24,597 | \$2,733 | \$4,555 | \$224,832 | \$0 |
| GRAND TOTAL ALL COSTS | | \$2,316,308 | \$336,661 | \$551,407 | \$45,170 | \$63,009 | \$3,312,553 | \$3,327,891 |

Assumptions for Calculations

All personal services calculations were based on FY08-09 Common Policies.

Impact on Other Government Agencies

Although there is no direct impact on other Government Agencies, if this decision item is not funded, the costs to the state would be absorbed by DOC and DYC (as seen in the Cost/Benefit Analysis).

Cost/Benefit Analysis

Adult and Juvenile cost/ cost avoidance comparison based on reduction in annual number of revocations

| 10% adult revocation reduction (96 DOC beds) @ \$26,813/bed | 10% juvenile revocation reduction (40 DYC beds) @ \$64,605/bed | Total DOC/DYC Cost | Cost of 48.4 Probation Staff | Net Cost Avoidance |
|--|---|--------------------|------------------------------|--------------------|
| 2,574,048 | 2,584,200 | 5,158,248 | 3,312,553 | 1,845,695 |
| 20% adult revocation reduction (192 DOC beds) @ \$26,813/bed | 20% juvenile revocation reduction (80 DYC beds) @ \$64,605/bed | Total DOC/DYC Cost | Cost of 48.4 Probation Staff | Net Cost Avoidance |
| 5,148,096 | 5,168,400 | 10,316,496 | 3,312,553 | 7,003,943 |
| 30% adult revocation reduction (288 DOC beds) @ \$26,813/bed | 30% juvenile revocation reduction (120 DYC beds) @ \$64,605/bed | Total DOC/DYC Cost | Cost of 48.4 Probation Staff | Net Cost Avoidance |
| 7,722,144 | 7,752,600 | 15,474,744 | 3,312,553 | 12,162,191 |

Implementation Schedule

| Task | Month/Year |
|---|--------------|
| Governor Signs Long Bill | May, 2008 |
| Probation Services reviews latest caseload need and recommends district allocations | May, 2008 |
| Chief Probation Officers review recommendations and endorse allocation plan | June, 2008 |
| Hiring process begins | July, 2008 |
| Hiring of probation officers and related staff completed | August, 2008 |

Statutory Authority

18-1.3-202 C.R.S., 13-3-101 C.R.S.

Performance Measures

| MEASURE I-3: | | | | | |
|---|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective - Provide timely and comprehensive assessments and pre-sentence investigations reports (PSIR) that assist the courts in making sentencing decisions. | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Percent of (PSIR) completed with established time standards. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

| MEASURE II-4: | | | | | |
|--|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective – Increase enforcement of orders requiring payment of monetary penalties. | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Percentage of specialized program offenders paying court-ordered restitution while under program supervision. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |
| Percentage of regular probation offenders (adult and juvenile) that pay 100% of court-ordered restitution while under program supervision. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

| MEASURE II-5: | | | | | |
|--|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective – Decrease rate of revocations for new crimes committed by offenders. | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Percentage of offenders committing new crimes while under probation supervision | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

| MEASURE II-6: | | | | | |
|---|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective – Reduce the rate of offenders who are negatively terminated for absconding. | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Percentage of offenders negatively terminated for absconding. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

| MEASURE II-7: | | | | | |
|--|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective – Reduce the rate of offender revocations for technical violations that result in incarceration in prison, jail or NYC. | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Percentage of offenders with revocations that result in incarceration. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

| MEASURE II-8: | | | | | |
|---|----------------|------------------------------|------------------------------|--------------------------------|---------------------------------|
| Objective – Improve the percentage of offenders and the length of compliance with interim performance measures. <i>(Not currently measurable)</i> ⁵ | | | | | |
| Performance Measure | Outcome | FY 07-08 (actual) | FY 08-09 (actual) | FY 09-10 (estimate) | FY 10-11 (projected) |
| Abstinence of offenders from alcohol and other drug use while under supervision. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |
| Offender compliance with treatment plans. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |
| Offender acquisition of skill building competencies. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |
| Offender employment or education status. | Benchmark | N/A | N/A | N/A | N/A |
| | Actual | N/A | N/A | N/A | N/A |

⁵ Although data on these measures is not currently available within the existing Judicial Case Management System (ICON/Eclipse), specifications for gathering this information have been developed as part of the rewrite that is underway, with estimated completion by FY 2010. Once capabilities for gathering this data have been completed, the system will be able to yield detailed aggregate data that will provide valuable insight to the performance of offenders on probation throughout the state.