



JBC Staff Comeback Memos

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JBC Staff Comeback

Department of Agriculture

JBC Staff: Sam Rickman, 303-866-2981

Date: March 9, 2026

Reduce FTE count in Commissioner's Office and Administrative Services Division

Staff recommends that the Committee reduce 2.0 FTE in the Commissioner's Office and Administrative Services Division.

During figure setting, the JBC asked staff to inquire whether a corresponding FTE reduction should accompany the Department's requested General Fund reduction. The Department has indicated that it can absorb a 2.0 FTE reduction to align with the reduced General Fund appropriation.

JBC Staff Comeback

Public Safety-Division of Criminal Justice

JBC Staff: Justin Brakke, (303-866-4958)

Date: March 9, 2026

This memo presents two JBC staff comebacks related to community corrections.

1. Subsistence in community corrections footnote
2. Correction to facility payment appropriation and additional information about provider revenue

Subsistence payments in community corrections footnote

Recommendation

JBC staff recommends capping the subsistence payment at \$20 by adding the following language to the footnote:

"The appropriation assumes that offenders may be charged a daily subsistence fee up to \$20.00."

Staff also recommends that the General Assembly consider legislation at some point in the future to clarify an official policy or at least direct the DCJ to develop such a policy.

Points to consider

- The recommended footnote language is a ceiling, not a floor.
- Subsistence payments tie a source of provider revenue to the number of offenders served, potentially providing an incentive to accept more offender and maximize the use of existing capacity.
- Subsistence was \$10.00 in the mid-1990s. It increased to \$17.00 in the early 2000s. Data on wage growth in certain industries (warehouses, restaurants, etc.) and inflation suggests that it would be over \$20.00 if it tracked with either.
- Subsistence payments mitigate risk when providers serve more offenders than allocated by the DCJ.
- Individuals in certain specialized programs, such as Intensive Residential Treatment, were historically not charged subsistence. Staff has no reason to think that would change given the nature of those programs.
- Collection rates will not be 100%. Anecdotal reports from before FY 2022-23 suggest about an 80% collection rate.
- The DCJ's hearing with the JBC in 2021 included a discussion about a study of subsistence in FY 2013-14:

"In FY 2013-14 the JBC funded the Subsistence Grace Period Pilot Project, to determine if waiving the fee of subsistence for the first 28 days improved outcomes. Individuals were randomly selected to participate in the pilot from both the transition and diversion populations and a comparison group of community corrections clients from the previous year was utilized for the data analysis.

The study found no statistically significant difference in the average length of stay across all groups. In regards to the amount owed at termination from the program, there was no statistically significant difference for diversion clients; however, transition clients did owe significantly less (\$549 versus \$686).

In regards to the intended purpose of the study, improvement of outcomes, the results were not as hypothesized. For diversion clients, 42.0% of the pilot project group successfully completed community corrections versus 49.5% of the comparison group, a statistically significant difference. For transition clients, 57.8% of pilot participants successfully completed versus 59.9% of the comparison group, a non-statistically significant difference. The pilot only covered subsistence for the first 28 days and the Department has not done a study that includes coverage of subsistence for the entire length of stay.

The results of the Grace Period Pilot Project align with national discussion and research on the topic of fees in criminal justice, as the discussion and research do not provide a clear answer on the use of fees. One part of the national discussion and research suggest that a small fee leads to greater buy-in and motivation from the individual while perhaps also preparing them for budgeting and financial responsibility. Another part of the national discussion suggests that fees increase the financial burdens on individuals, potentially affecting their future success and ability to reach financial stability."¹

Impact on provider revenue

The following table shows the amount of revenue that providers may collect through subsistence payments, based on average daily populations. It assumes an 80% collection rate. A subsistence rate of \$1.54 would round out the requested 3.3% per-diem rate increase requested by the Department, after accounting for other changes. Subsistence payments above that amount would: (1) tie potential revenue to the number of offenders served, potentially providing an incentive to maximize the use of existing capacity, and (2) increase revenue to providers, which could translate into improved financial stability, higher wages, and increased ability to provide more services to more offenders.

Estimated annual revenue impact of subsistence payments, by population number and subsistence amount

Average Daily Population	Revenue from \$1.54 subsistence	Revenue from \$10 subsistence	Revenue from \$20 subsistence
50	22,447	\$146,000	\$292,000
100	44,895	\$292,000	\$584,000
150	67,342	\$438,000	\$876,000
200	89,790	\$584,000	\$1,168,000
250	112,237	\$730,000	\$1,460,000
300	134,685	\$876,000	\$1,752,000

¹ https://content.leg.colorado.gov/sites/default/files/fy2022-23_pubsafhrg2.pdf (Pages 4-5)

Full text of the recommended footnote

N Department of Public Safety, Division of Criminal Justice, Community Corrections, Community Corrections Placements -- This appropriation assumes the daily rates and average daily caseloads listed in the following table. **The appropriation assumes that offenders may be charged a daily subsistence fee up to \$20.00.** The base rate for standard nonresidential services assumes a weighted average of the rates for four different levels of service. This appropriation also assumes that the residential base per-diem rate in the table included in this footnote will be increased by 1.0 percent for programs meeting recidivism performance targets and 1.0 percent for programs meeting program completion performance targets.

Rate type	Rate	Beds	Appropriation
Base rate	\$71.48	1,021	\$26,628,422
Plus 1%	\$72.19	783	20,631,541
Plus 2%	\$72.91	875	23,285,631
Intensive residential treatment	\$64.60	206	4,857,274
Residential dual diagnosis	\$64.60	90	2,122,110
Sex offender	\$35.22	116	1,491,215
Standard Non-residential	\$10.09	792	2,916,817
			\$81,933,010

[End of current decision item. Next decision item starts on next page.]

Correction to *Facility Payments* and additional information

Recommendation

Staff recommends a net neutral reallocation of \$182,499 General Fund from the *Community Corrections Placements* line item to the *Facility Payments* line item. This corrects a calculation error in the original recommendation approved by the JBC. The original action reallocated \$1.25 million General Fund from the *Facility Payments* line item to the *Placements* line item to support a 1.55% increase in the per-diem rate.

The recommended correction ensures that the FY 2026-27 facility payment for 12 smaller community corrections facilities stays at FY 2025-26 levels. The original recommendation would have reduced the payment by about \$15,000 (about 10%) by assuming 11 payments, not 12. The revised recommendation corrects the error while funding 7 fewer community corrections beds in the *Placements* item. The net change in the *Placements* line item would be an increase of 52 community corrections beds year-over-year. Staff expects to adjust the *Placements* line item during the supplemental process next year.

Reasons for the recommendation to move money from *Facility Payments* to *Placements*

- The *Placements* line item ties provider revenue to the number of offenders served. The *Facility Payments* line item is a flat payment that is not tied to the number of offenders served. JBC staff recommends that the General Assembly tie payments to providers to the number of offenders served as much as possible.

That is because the State has no guarantees from local authorities and providers to serve a certain number offenders or offer a certain amount of capacity. Local authorities may currently reject any placement for any reason or no reason at all. They may also reduce capacity if or when they feel like it. JBC staff therefore concludes that the General Assembly should only guarantee payment for actual services provided. The General Assembly should only consider guaranteed funding, like a facility payment, if or when local authorities and providers can provide some guarantees in return.

- Providers will not lose revenue under JBC staff's recommendation. In fact, they stand to gain more from reinstating offender subsistence payments, which is tied directly to the number of offenders served. Staff provides more information about this on the next page.
- The *Facility Payment* is divorced from its original design, in part because the design was an overly-complicated attempt to micromanage staffing and compensation levels across a diverse array of dozens of providers.
- The *Facility Payment* was and is a band-aid that fails to address the fundamental problem of "insufficient" per-diem rates. In JBC staff's view, one of two things needs to happen with respect to rates.
 - Achieve economies of scale: Providers should attempt to serve a number of offenders that make per-diem rates viable. Stakeholders should identify and advocate for solutions that make this possible.
 - Put forward a different and more flexible per-diem rate solution: Stakeholders should put forward a model for adjusting per-diem rates to make certain amounts of capacity viable. Stakeholders have had well over a decade to figure out a better funding model, but they opted to spend their time and effort lobbying the JBC and its staff, rather than coming up with a sustainable solution to a systemic problem.

JBC staff estimates for provider revenue changes

The following table shows JBC staff's estimates for revenue changes, based on JBC staff's recommendations to-date. In short, providers stand to earn more revenue. That revenue is mostly contingent on service provision. Guaranteed revenue in the form of facility payments would be reduced. Service-related revenue increases and surpasses the loss of facility payments for larger providers. Smaller providers still receive an FY 2026-27 facility payment in the same amount as FY 2025-26. The table also shows the impact of economies of scale.

Judicial District	Provider name	Residential ADP (Jul.-Dec. 2025)	Staffed residential capacity	FY 25-26 Facility Payment	FY 26-27 Facility Payment	Year-over-year change	Estimated revenue 1.55% per-diem increase	Estimated Revenue \$5 subsistence	Estimated Total FY 26-27 Revenue Change
1	Intervention Community Corrections-Jefferson	156	196	\$76,321	\$0	-\$76,321	\$70,376	\$198,560	\$192,615
1	ICCS - West	25	37	154,566	154,566	0	14,282	4,380	18,662
2	IMPACT Center	47	48	154,566	154,566	0	18,699	68,620	87,319
2	Independence House - Pecos	73	75	154,566	154,566	0	29,043	106,580	135,623
2	Moore Center	85	90	154,566	154,566	0	33,817	124,100	157,917
2	Project Elevate	53	57	154,566	154,566	0	21,473	77,380	98,853
4	Embrave	285	331	76,321	0	-76,321	125,509	359,160	408,348
4	GEO - El Paso County	251	300	76,321	0	-76,321	105,605	332,880	362,164
6	Hilltop House	37	54	154,566	154,566	0	14,991	54,020	69,011
7	Advantage Treatment - Montrose	69	68	154,566	154,566	0	28,996	94,900	123,896
8	Larimer County	321	362	76,321	0	-76,321	151,198	376,680	451,556
9	Garfield County	36	60	154,566	154,566	0	14,717	52,560	67,277
10	ICCS - Pueblo	94	130	76,321	0	-76,321	38,807	134,320	96,805
12	Advantage Treatment - Alamosa	83	84	76,321	0	-76,321	45,691	73,000	42,369
13	Advantage Treatment - Sterling	87	100	76,321	0	-76,321	50,461	68,620	42,760
15	Advantage Treatment - Lamar	33	40	154,566	154,566	0	16,502	35,040	51,542
17	CoreCivic - Adams	82	85	154,566	154,566	0	32,923	119,720	152,643
17	CoreCivic - Commerce	117	136	76,321	0	-76,321	46,121	170,820	140,620
17	ICCS - Adams	129	140	76,321	0	-76,321	55,827	167,900	147,405
18	CoreCivic - Arapahoe	88	100	76,321	0	-76,321	34,690	128,480	86,848
18	CoreCivic - Centennial	78	90	76,321	0	-76,321	31,886	113,880	69,445
18	GEO - Arapahoe	137	206	76,321	0	-76,321	55,506	200,020	179,204
19	ICCS - Weld	169	180	76,321	0	-76,321	74,427	220,460	218,566
20	CoreCivic - Longmont	32	60	154,566	154,566	0	12,811	45,260	58,071
20	ICCS - Boulder	48	72	154,566	154,566	0	20,805	61,320	82,125
21	Mesa County Community Corrections	150	182	76,321	0	-76,321	72,883	164,980	161,542
Totals		\$2,766	3,283	\$2,923,290	\$1,854,795	-\$1,068,498	\$1,218,045	\$3,553,640	\$3,703,187